



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

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25 अगस्त, 1979/3 भाद्रपद, 1901 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'समाचार राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
संख्या 3-28/79-इलेक०, दिनांक 4 जुलाई, 1979.	निर्वाचन विभाग	भारत निर्वाचन आयोग की अधिसूचना संख्या 82/हि० प्र०/6/72, दिनांक 20 जन, 1979 का प्रकाशन ।
संख्या पी० सी० एच० एच० ए० (4)-68/76, दिनांक 10 अगस्त, 1979.	पंचायती राज विभाग	श्री उरजान अंगरूप, पंच, ग्राम पंचायत सगनम, तहसील स्थिति, जिला लाहल तथा स्थिति के त्याग पत्र की स्वीकृति ।
संख्या पी० सी० एच० एच० ए० (4)-5/79, दिनांक 16 अगस्त, 1979.	—सर्वेच—	संख्या पी० सी० एच० एच० ए० (4)-5/79, दिनांक 28 जून, 1979 का संशोधन ।
क्रमांक एल० एल० आर० डी० (6) 19/75, दिनांक 23 अगस्त, -1979.	वि विभाग	The Himachal Pradesh Scheduled Castes Development Corporation Act, 1979 (Act No. 20 of 1979).

भाग 1—बैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएँ इत्यादि

हिमाचल प्रदेश हाई कोर्ट

NOTIFICATIONS

Simla-1, the 11th July, 1979

No. HHC/GAZ/14-19/75-6379. —The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of 22 days half pay leave and 2 days earned leave in continuation of his previous leave for 26 days earned leave with effect from 14-5-1979 to 8-6-1979, for the following period, in favour of Shri Mangat Ram Verma, Senior Sub-Judge-cum-Chief Judicial Magistrate, Dharamsala, Himachal Pradesh:

Half pay leave w.e.f. 9-6-1979 to 30-6-1979.

Earned leave w.e.f. 1-7-1979 and 2-7-1979.

Certified that Shri M. R. Verma joined the same post and at the same station from where he proceeded on leave after the expiry of the above period of leave.

Certified that Shri M. R. Verma would have continued to hold the post of Senior Sub-Judge-cum-Chief Judicial Magistrate but for his proceeding on leave.

By order,
S. P. THAPLYAL,
Deputy Registrar (Admn.).

Simla-1, the 12th July, 1979

No. HHC/Admn. 6-22/74-6255. —Consequent upon the grant of 17 days earned leave with effect from 27-6-1979 to 13-7-1979 with permission to suffix holidays falling on 14th and 15th July, 1979 in favour of Shri Onkar Nath, District and Sessions Judge, Hamirpur, the Hon'ble the Chief Justice and Judges in exercise of the powers vested in them under sub-section 5 of section 9 of the Code of Criminal Procedure, 1973 empower the Chief Judicial Magistrates, Hamirpur and Una to deal with and dispose of any urgent application which is or may be, made or pending before the Court of Sessions Judge, Hamirpur during the above leave period or until further orders.

Simla-1, the 21st July, 1979

No. HHC/Admn. 16-(13)/74-6428. —In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure, 1908, the Hon'ble the Chief Justice and Judges are pleased to appoint for a period of two years from the date of issue of this notification, the following Advocates as Oath Commissioners for the places mentioned against their names, for administering oath/affirmation on affidavits, to the deponents under the said Code in accordance with the terms specified in paragraph 5 of Chapter 12-B Vol. IV of the Punjab High Court Rules and Orders as applied to Himachal Pradesh:

Sl. No.	Name	Places
1.	Shri S. R. Sharma, Advocate	District Court, Simla.
2.	Shri Shiva Sharma	-do-
3.	Shri H. L. Sethi	-do-
4.	Miss Sushma Kapoor	-do-

Simla-1, the 21st July, 1979

No. HHC/Admn. 16(13)/74-6421. —In exercise of the powers vested in them by section 139 (b) of the Code of Civil Procedure, 1908, the Hon'ble the Chief Justice and Judges are pleased to appoint for a period of two years from the date of issue of this notification, the following Advocates as Oath Commissioners for the places mentioned against their names, for administering oath/affirmation on affidavits, to the deponents under the said Code, in accordance with the terms specified in para-

graph 5 of Chapter 12-B Vol. IV of the Punjab High Court Rules and Orders as applied to Himachal Pradesh:

Sl. No.	Name	Places
1.	Shri Gian Singh Chandel	Theog. District Simla.
2.	Shri Madan Lal Chauhan	-do-
3.	Shri Subhash Chand Verma	-do-

Simla-1, the 24th July, 1979

No. HHC/Admn. 6-22/74-6488. —Consequent upon the grant of 26 days earned leave with effect from 16-7-1979 to 10-8-1979 in favour of Shri Roop Singh Thakur, District and Sessions Judge, Mandi, the Hon'ble the Chief Justice and Judges in exercise of the powers vested in them under sub-section 5 of section 9 of the Code of Criminal Procedure, 1973 empower Shri R. K. Mahajan, Additional Sessions Judge, Mandi to deal with and dispose of any urgent application which is or may be, made or pending before the Court of sessions Judge, Mandi Division during the above leave period or until further orders.

By order,
H. D. KAINTHLA,
Registrar.

Simla-1, the 24th July, 1979

No. HHC/GAZ/14-7/74-6469. —The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of 10 days extension in earned leave with effect from 14-7-1979 to 23-7-1979 in continuations of 17 days earned leave with effect from 27-6-1979 to 13-7-1979 sanctioned vide notification of even number, dated 2-7-1979, in favour of Shri Onkar Nath, District and Sessions Judge, Hamirpur and Una districts at Hamirpur, Himachal Pradesh.

Certified that Shri Onkar Nath joined the same post and at the same station from where he proceeded on leave after the expiry of the above period of leave.

Certified further that Shri Onkar Nath would have continued to hold the post of District and Sessions Judge but for his proceeding on leave.

S. P. THAPLYAL,
Deputy Registrar (Admn.).

Simla-1, the 25th July, 1979

No. HHC./Admn. 6 (23)/74-6517. —Consequent upon the grant of 26 days earned leave with effect from 16-7-1979 to 10-8-1979 with permission to prefix and suffix holidays falling on 14th and 15th July, 1979 and 11th and 12th August, 1979, respectively in favour of Shri Roop Singh Thakur, District and Sessions Judge, Mandi, H.P., the Hon'ble the Chief Justice in exercise of the powers vested in him under Rule 1.26 of the H.P. Financial Rules, 1971, Vol. I, is pleased to declare Shri R. K. Mahajan, Additional District and Sessions Judge, Mandi as the Drawing and Disbursing Officer in respect of Class III and IV establishment of the Court of the District and Sessions Judge, Mandi for the above period or until the return of Shri Roop Singh Thakur from leave.

The Additional District and Sessions Judge, Mandi is also declared as Controlling Officer for the purposes of travelling allowance etc. in respect of Class III and IV establishment of the Court of the District and Sessions Judge, Mandi during the above leave period of Shri Roop Singh Thakur.

Simla-1, the 25th July, 1979

No. HHC/Admn. 6 (18)/74-II. — In exercise of the powers vested in them under section 13 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974), the Hon'ble the Chief Justice and Judges are pleased to confer on the following Sub-Divisional Magistrates and Tehsildars the powers of Special Judicial Magistrate of Second Class under the said Code, to be exercised by them within the areas noted against each, for a period of one year with effect from the date of the issue of this notification. The Hon'ble the Chief Justice and Judges are further pleased to specially empower all the Special Judicial Magistrates of Second Class to authorise detention in the custody of the Police under sub-section 2 (c) of section 167 of the Code of Criminal Procedure, 1973:—

Sl. No.	Designation	Area of local limits
1.	Sub-Divisional Magistrate, Rajgarh.	Rajgarh Sub-Division of Sirmur district.
2.	Sub-Divisional Magistrate, Ani.	Ani Sub-Division of Kulu district.
3.	Sub-Divisional Magistrate, Bharmour.	Bharmour Sub-Division of Chamba district.
4.	Tehsildar, Kalpa	Kalpa Tehsil of Kinnaur district.
5.	Tehsildar, Sangla	Sangla Tehsil of Kinnaur district.
6.	Tehsildar, Nichar	Nichar Tehsil of Kinnaur district.
7.	Tehsildar, Moorang	Moorang Tehsil of Kinnaur district.
8.	Tehsildar, Pooh	Pooh Tehsil of Kinnaur district.
9.	Tehsildar, Pangi	Pangi Tehsil of Chamba district.
10.	Tehsildar, Churah	Churah Tehsil of Chamba district.
11.	Tehsildar, Keylong	Lahaul Sub-Division in Lahaul and Spiti district.
12.	Tehsildar, Kaza	Spiti Sub-Division in Lahaul and Spiti district.
13.	Tehsildar, Pachhad	Pachhad Tehsil of Sirmur district.
14.	Tehsildar, Renuka	Renuka Tehsil of Sirmur district.
15.	Tehsildar, Paonta	Paonta Tehsil of Sirmur district.
16.	Tehsildar, Chopal	Chopal Tehsil of Simla district.
17.	Tehsildar, Rohru	Rohru Tehsil of Simla district.
18.	Tehsildar, Theog.	Theog Tehsil of Simla district.
19.	Tehsildar, Rampur	Rampur Tehsil of Simla district.
20.	Tehsildar, Jubbah	Jubbah Tehsil of Simla district.
21.	Tehsildar, Ghumarwin.	Ghumarwin Tehsil of Bilaspur district.
22.	Tehsildar, Sarkaghat	Sarkaghat Tehsil of Mandi district.
23.	Tehsildar, Joginder-nagar.	Joginder Nagar Tehsil of Mandi district.
24.	Tehsildar, Karsog	Karsog Tehsil of Mandi district.
25.	Tehsildar, Chachiot	Chachiot Tehsil of Mandi district.
26.	Tehsildar, Arki	Arki Tehsil of Solan district.
27.	Tehsildar, Nalagarh	Nalagarh Tehsil of Solan district.
28.	Tehsildar, Kangra	Kangra Tehsil of Kangra district.
29.	Tehsildar, Dehra	Dehra Tehsil of Kangra district.
30.	Tehsildar, Nurpur	Nurpur Tehsil of Kangra district.
31.	Tehsildar, Palampur	Palampur Tehsil of Kangra district.
32.	Tehsildar, Amb	Amb Tehsil of Una district.
33.	Tehsildar, Barsar	Barsar Tehsil of Una district.
34.	Tehsildar, Kulu	Kulu Tehsil of Kulu district.

Simla-1, the 2nd August, 1979

No. HHC/Admn. 16 (21)/75. — In exercise of the powers vested in them under section 139 (b) of the Code of Civil Procedure, the Hon'ble the Chief Justice and Judges are pleased to appoint/re-appoint for a period of two years with effect from the date of this notification the following Advocates as Oath Commissioner for the High Court to administer oaths/affirmation on affidavits to the deponents under the Code, in accordance with the terms specified in paragraph 5 of Chapter 12-B, Punjab High Court Rules and Orders Vol. IV as applied to Himachal Pradesh:—

1. Shri Mela Ram Vasudeva, Advocate.
2. Shri R. C. Bakshi, Advocate.

Simla-1, the 2nd August, 1979

No. HHC/Admn. 16 (13)/74. — In exercise of the powers vested in them under section 139 (b) of the Code of Civil Procedure, the Hon'ble the Chief Justice and Judges are pleased to appoint/re-appoint for a period of two years from the date of issue of this notification, the following Advocates as Oath Commissioners for Sub-Divisional Headquarters at Chopal, District Simla, for administering oaths/affirmation on affidavits to the deponents under the said Code in accordance with the terms specified in paragraph 5 of Chapter 12-B Vol. IV of Punjab High Court Rules and Orders as applied to Himachal Pradesh:—

1. Shri Balbir Singh Jhagta Advocate, Chopal.
2. Shri Devinder Singh Chauhan, Advocate Chopal.

Simla-1, the 2nd August, 1979

No. HHC/Admn. 16 (13)/74. — In exercise of the powers vested in them under section 139 (b) of the Code of Civil Procedure, the Hon'ble the Chief Justice and Judges are pleased to appoint/re-appoint for a period of two years from the date of issue of this notification, Shri Thakur Sain Kaistha, Advocate as Oath Commissioner for Rampur, Simla district, for administering oaths/affirmation on affidavits to the deponents under the said Code in accordance with the terms specified in paragraph 5 of Chapter 12-B Vol. IV of Punjab High Court Rules and Orders as applied to Himachal Pradesh.

By order,
H. D. KAINTHLA,
Registrar.

Simla-1, the 3rd August, 1979

No. HHC/GAZ/14-13/75.—The Hon'ble the Chief Justice and Judges are pleased to grant 23 days earned leave with effect from 16th August, 1979 to 7th September, 1979 with permission to prefix and suffix holidays falling on 14th and 15th August, 1979, 8th September, 1979, respectively, in favour of Shri Prem Lal Sharma, District and Sessions Judge, Kangra at Dharamsala, Himachal Pradesh.

Certified that Shri Prem Lal Sharma, is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above period of leave.

Certified further that Shri Prem Lal Sharma would have continued to hold the post of District and Sessions Judge, but for his proceeding on leave.

Simla-1, the 3rd August, 1979

No. HHC/GAZ/14-43/74.—The Hon'ble the Chief Justice and Judges are pleased to accord *ex-post-facto* sanction to the grant of 9 days earned leave with effect from 25th June, 1979 to 3rd July, 1979 with permission to prefix holiday on 24th June, 1979, in favour of Shri Dayinder Singh Negi, Subordinate Judge-cum-Judicial Magistrate 1st Class, Rohru, District Simla, Himachal Pradesh.

Certified that Shri Davinder Singh Negi joined the same post and at the same station from where he proceeded on leave after the expiry of the above period of leave.

Certified further that Shri Davinder Singh would have continued to officiate as Subordinate Judge-cum-Judicial Magistrate 1st Class but for his proceeding on leave.

Simla-1, the 4th August, 1979

No. HHC/GAZ-14-84/77.—The Hon'ble the Chief Justice and Judges are pleased to grant 22 days earned leave with effect from 3-8-1979 to 24-8-1979 with permission to suffix holidays falling on 25th and 26th August, 1979, in favour of Shri Pratap Chand Sharma, Subordinate Judge-cum-Judicial Magistrate 1st Class, Chopal, District Simla.

Certified that Shri Pratap Chand Sharma is likely to join the same post and at the same station from where he proceeds on leave after the expiry of the above period of leave.

Certified further that Shri Pratap Chand Sharma, would have continued to officiate as Subordinate Judge-cum-Judicial Magistrate but for his proceeding on leave.

H. D. KAINTHLA,
Registrar.

Simla-1, the 6th August, 1979

No. HHC/Admn. 6(18)/77-II.—In exercise of the powers vested in them by section 13 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Hon'ble the Chief Justice and Judges are pleased to confer upon Shri Partha Sarthi Mitra, I.A.S., Assistant Commissioner, Solan, the powers of a Special Judicial Magistrate 2nd Class to be exercised by him within the limits of Solan district for a period of six months from the date of the issue of this Notification.

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Simla-1, the 8th August, 1979

No. HHC/Admn. 16(7)/74.—In exercise of the powers vested in them under section 139(b) of the Code of Criminal Procedure, the Hon'ble the Chief Justice and Judges are pleased to appoint for a period of two years with effect from the date of this notification the following advocates as Oath Commissioner for the Sub-Divisional Headquarters at Kangra to administer oaths/affirmation on affidavits to the deponents under the Code, in accordance with the terms specified in paragraph 5 of Chapter 12-B, Punjab High Court Rules and Orders Vol. IV as applied to Himachal Pradesh:—

1. Shri Akashya Kumar, Advocate Kangra.
2. Shri Davinder Paul, Advocate Kangra.

By order,
H. D. KAINTHLA,
Registrar.

Simla-1, the 8th August, 1979

No. HHC. Admn. 22(3)/77.—In exercise of the powers vested in them by section 23 of the State of Himachal Pradesh Act, 1970, read with section 7 of the Delhi High Court Act, 1966, and in exercise of all other powers enabling them in this behalf, the Hon'ble the Chief Justice and Judges of the High Court of Himachal Pradesh are pleased to make the following amendment in Rule 1; Chapter 3-B (Part-B) of the Punjab High Court Rules and Orders, Volume V, as applied to Himachal Pradesh:—

- (1) Under Clause XIX of Rule-1 between the word "shall" and the words "be before" in the explanation appended to this clause insert the following words:—
"except where, in a special case the Chief Justice otherwise orders".
- (2) This amendment shall come into force at once.

H. D. KAINTHLA,
Registrar.

हिमाचल प्रदेश सरकार

PERSONNEL (A-I) DEPARTMENT

NOTIFICATIONS

Simla-2 the 19th July, 1979

No. PER (A-I)-B(1)-8/78.—The Governor, Himachal Pradesh is pleased to order that Shri B.S. Sandhu, I.F.S., Chief Conservator of Forests, Himachal Pradesh shall stand retired from Government service with effect from the afternoon of July 19, 1979 in pursuance of the provisions contained in rule 16(2) of the All India Services (Death-cum-Retirement Benefits) Rules, 1958.

Simla-2, the 19th July, 1979

No. PER(A-I)-B(1)-9/78.—The Governor, Himachal Pradesh is pleased to appoint Shri S. S. Chahal, IFS, Conservator of Forests, Himachal Pradesh to officiate temporarily as Chief Conservator of Forests, Himachal Pradesh in the scale of Rs. 2500-125/2-2750 with immediate effect vice Shri B. S. Sandhu, I.F.S., who is hereby reverted to the post of Conservator of Forests.

Simla-171002, the 19th July, 1979

No. Per. (A-I)-B(6)-7/79.—In exercise of the powers conferred by the provision to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission, hereby makes the following rules further to amend the Himachal Pradesh Administrative Service Rules, 1973.

2. These rules may be called the Himachal Pradesh Administrative Service (Third Amendment) Rules, 1979.

3. These rules shall come into force with effect from 10th May, 1979 the date on which the notification for redesignating the post of Project Executive Officer, Industries as General Manager, District Industrial Centre, has been issued.

4. In the Himachal Pradesh Administrative Service Rules, 1973, the post of Project Executive Officer, Industries at Sr. No. 23 in Appendix-II (Rule-23) (b) (5), is redesignated as General Manager, District Industrial Centre.

L. HINGLIANA TOCHHAWNG,
Chief Secretary.

शिमला-171002, 2 अगस्त, 1979

संख्या पर-एच0 ए0 एस0-11-बी0 (10)-57/76-77.—राज्यपाल, हिमाचल प्रदेश, श्री माधो राम निजी सचिव, हिमाचल प्रदेश सचिवालय को 31-8-79 (अगस्त) से अधिकृतता पर सेवा नियुक्ति के आदेश देते हैं।

हस्ताक्षरित

- प्रवर सचिव (प्रशासन)।

Simla-171002, the 7th August, 1979

No. 2-2/75-DP-Appnt.—On the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to confirm Shri C. S. Panwar in the post of Director of Public Relations, Himachal Pradesh in the scale of Rs. 1600—1800 with effect from 29-4-78.

शिमला-2, 21 अगस्त, 1979

संख्या का0 वि0 (नि-1)-बी0 (3)-1/78.—इस विभाग की सम संयुक्त अधिसूचना दिनांक 10 फरवरी, 1978 के प्रसंग को जारी रखते हुए हिमाचल प्रदेश के राज्यपाल, श्री0 के0 सी राजपूत की अस्थावी तौर पर नियुक्त मुद्रण तथा लेखन सामग्री के पद पर नियुक्ति की अवधि 31-8-79 तक अथवा नियुक्ति नियुक्ति होने तक जो भी पहले हो बढ़ाने के आदेश देते हैं।

एल0 एच0 सोल्झांग
मुख्य सचिव।

PUBLIC WORKS DEPARTMENT

1 2 3 4

133/1

133/1	0 00 04
156/1	0 01 29
162/1	0 00 04
157/1	0 00 42
158/1	0 00 90
221/1	0 00 03
220/1	0 00 03
222/1	0 00 15
223/1	0 01 44
224/1	0 00 32
225/1	0 00 12
226/1	0 00 04
227/1	0 00 58
228/1	0 00 46
229/1	0 00 58
230/1	0 00 62
231/1	0 00 04
255/1	0 01 50
256/1	0 00 76
257/1	0 00 22
259/1	0 01 04
260/1	0 00 04
261/1	0 00 36
262/1	0 00 04
248/1	0 01 08
263/1	0 00 14
264/1	0 00 12
357/1	0 00 84
356/1	0 00 45
355/1	0 00 66
353/1	0 00 04
352/1	0 00 66
351/1	0 00 96
346/1	0 00 18
345/1	0 00 71
342/1	0 00 04
341/1	0 01 10
339/1	0 00 21
330/1	0 00 74
297/1	0 00 96
295/1	0 00 04
294/1	0 00 50
293/1	0 01 08
290/1	0 00 04
282/1	0 03 54
281/1	0 00 04
331	0 41 03
333/1	0 00 04
332/1	0 00 04
280/1	0 00 38
278/1	0 00 04
265/1	0 00 10

Total ..	0 69 4
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3. MASHRER	202/1	0	00	68
	203/1	0	00	30
	204/1	0	00	60
	207/1	0	00	25
	208/1	0	00	04
	209/1	0	01	04
	210/1	0	01	08
	211/1	0	00	12
	215/1	0	00	72
	217/1	0	02	40
	219/1	0	00	08
	220/1	0	00	04
	221/1	0	00	50
	329/1	0	00	48
	333/1	0	00	02
	332/1	0	00	18
	335/1	0	00	50
	338/1	0	00	02
	351/1	0	00	52
	352/1	0	00	51
	353/1	0	00	66
	378/1	0	01	30
	281/1	0	00	50
	380/1	0	00	04
	318/1	0	00	02

Tehsil: KANGRA

Sl. No.	Mahal	Khasra No.	Area		
			H.	R.	S.
1.	BAGLI	1226/1	0	01	96
		1298/1	0	00	30
		1299/1	0	01	08
		1292/1	0	00	06
		1219/1	0	00	87
		1216/1	0	01	38
		1215/1	0	00	58
		1207/1	0	00	15
		1201/1	0	00	12
		1202/1	0	00	21
		1200/1	0	00	06
		1043/1	0	00	54
		1044/1	0	00	36
		1097/1	0	01	54
		1096/1	0	00	78
		1095/1	0	01	86
		1093/1	0	00	44
		475/1	0	01	80
		1326/1	0	01	28
		1325/1	0	00	06
		1324/1	0	00	40
		1322/1	0	01	62
		1300	0	03	22
		1321/1	0	00	14
		1320/1	0	00	22
		1319/1	0	00	52
		1301/1	0	00	08
		1302/1	0	00	03
		1307/1	0	00	33
		1033/1	0	01	54
		1034/1	0	00	02
		1035/1	0	00	32
		1037/1	0	00	06
		1038/1	0	00	02
		1039/1	0	00	26
		1041/1	0	00	46
		1042/1	0	00	86
		1091/1	0	00	88
		1090/1	0	00	42
		1092	0	00	38
		1089	0	01	08
		1087/1	0	00	50
		428/1	0	00	70
		476/1	0	06	02
		568/1	0	01	48
	Total	..	0	35	91
2.	KHATARE	130/1	0	00	98
		131/1	0	00	82
		134/1	0	00	78

1	2	3	4	1	2	3	4
		359/1	0 00 84			92/1	0 00 04
		360/1	0 00 22			93/1	0 01 80
		361/1	0 00 98			106/1	0 00 90
		385/1	0 00 14			167	0 00 46
		386/1	0 00 30			108	0 00 64
		389/1	0 00 68			127	0 00 18
		390/1	0 00 69			129/1	0 00 27
		361/1/1	0 00 90			130/1	0 00 88
		262	0 40 84			145/1	0 00 48
		Total	0 69 98			146/1	0 00 12
						147/1	0 00 24
						105/1	0 00 04
7. PARUAL	46/1		0 02 52			Total	0 37 48
	45/1		0 00 14				
	48/1		0 00 32				
	49/1		0 00 20				
	50/1		0 01 60	8. GHARH	48/1		0 02 48
	62/1		0 00 70		47/1		0 01 15
	64/1		0 00 34		46/1		0 00 45
	68/1		0 00 02		45/1		0 00 87
	65/1		0 00 38		44/1		0 00 03
	69/1		0 00 20		41/1		0 00 06
	70/1		0 00 48		38/1		0 00 40
	71/1		0 00 30		35/1		0 00 30
	72/1		0 00 48		39/1		0 01 18
	73/1		0 00 34		40		0 04 67
	74/1		0 14 82		Total		0 11 59
	73/1/1		0 00 72		Grand Total		3 52 53
	44/1		0 01 20				
	43/1		0 02 20				
	75/1		0 00 28				
	76/1		0 00 50				
	77/1		0 00 46				
	78/1		0 01 40				
	83/1		0 00 99				
	84/1		0 00 10				
	85/1		0 00 20				
	90/1		0 00 30				
	91/1		0 00 24				

S. P. PUNHANI,

Superintending Engineer,

5th Circle, H. P. P. W. D.,

Dharamsala.

Sd/-

Assistant Engineer,

Dharamsala Sub-Division No. 1

H. P. P. W. D., Dharamsala.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रचलित समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, कार्टरिंग्सल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 27th July, 1979

No. 3-25/79-VS.—In exercise of the powers vested in him under section 7 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, the Speaker, Himachal Pradesh Legislative Assembly, hereby makes the following rules to amend the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Rules, 1971:—

1. (i) These rules may be called 'the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Second Amendment) Rules, 1979;

(ii) These shall come into force with immediate effect.

2. (i) In Rule 6, after the word "Compensatory" and before the word "Travelling" occurring in the opening sentence, the following should be added, namely:—

"Constituency, secretarial and postal facilities and Telephone"

(ii) The existing Schedules I and II of the aforesaid rules should be substituted as per Annexures to these rules.

By order,

SURENDRA PRAKASH,

Secretary.

भाग 4—स्थायनी स्वागत शासन: म्युनिसिपल बोर्ड डिस्ट्रिक्ट बोर्ड, मोटिफाईड और टाउन एरिया तथा पंचायती राज विभाग

मुख्य

भाग 5—वैधानिक अधिसूचनाएं और विज्ञापन

In the Court of Shri S. S. Kanwar District Judge, Simla at Simla

H.M.A. 24-S/3 OF 1979

Shri Munshi Lal son of Shri Ram Dhun Lal, resident of Lekhwara Cottage, Sanjauli Simla-6. ..Petitioner.

Versus

Smt. Rukmini Devi daughter of Shri Makhan Lal, Mohalla Gigyani (Shahabad), P.O. Shahabad, District Hardoi (U.P.) ..Respondent.

To

Smt. Rukmini Devi daughter of Shri Makhan Lal, Mohalla Gigyani (Shahabad), P.O. Shahabad, District Hardoi (U.P.).

In the above cited case the petitioner has moved an application under section 13 of the Hindu Marriage Act for the dissolution of marriage in this court and the

Petition for dissolution of marriage by a decree of divorce under section 13 of the Hindu Marriage Act.

summons were issued to the respondent Smt. Rukmini Devi for various dates but not served upon her.

Now the court has come to the conclusion that the summons could not be served upon said respondent in the ordinary course as she is evading the service of the summons. The respondent served through this publication for 6-9-1979 that she must personally or through her authorised agent to attend this court in the above cited case; otherwise the case will be proceeded *ex-parte* against her.

Given under my hand and the seal of the court this 20th August, 1979.

Seal. S. S. KANWAR,
District Judge, Simla.

In the Court of Shri S. S. Kanwar District Judge, Simla at Simla

H. M. A. 16-S/3 of 1979

Smt. Lila Devi wife of Shri Ram Lal presently resident of village Khairi, Tehsil, and District, Simla.

Versus

Shri Ram Lal s/o Shri Achhroo, resident of village Rampur, Tehsil and District, Simla.

Petition under section 13 of H. M. Act for the dissolution of Marriage

To

Shri Ram Lal s/o Shri Achhroo, r/o village Rampur, Tehsil and District, Simla.

In the above cited case the petitioner has moved an application under section 13 of the Hindu Marriage Act, for the dissolution of marriage in this court and the summons were issued to the respondent Shri Ram Lal for various dates but not served upon him.

Now the court has come to the conclusion that the summons could not be served upon said respondent in the ordinary course as he is evading the service of the summons. The respondent served through this publication for 6-9-79 that he must personally or through his authorised agent to attend this court in the above cited case otherwise the case will be proceeded *ex-parte* against him.

Given under my hand and the seal of the court this 20th August, 1979.

Seal. S. S. KANWAR,
District Judge, Simla.

PROCLAMATION UNDER ORDER 5, RULE 20 OF C. P. C.

In the Court of Shri T. N. Vaidya, Sub-Judge 1st Class Palampur, District Kangra

Case No. 8/79

In the case of Shanker Versus Pritam.

Versus:—Pritam Chand s/o Kirlu s/o Kahan, caste Ghumar, r/o Mohal Linjhin, village Moondhi, Tehsil Palampur, District Kangra (H.P.)

Defdt.

Whereas in the above noted case, it has been proved to the satisfaction of this court that the above noted defendant is evading the service of the summons and cannot be served in the normal course of the service. Hence, this proclamation is hereby issued against him to appear in this court on the date fixed for hearing on 31-8-79 at 10 A. M. personally or through an authorised agent or

pleader to defend the case, failing which *ex-parte* proceedings will be taken against him.

Given under my hand and the seal of the court 16-8-79.

Seal. T. N. VAIDYA,
Sub-Judge 1st Class,
Palampur, District Kangra.

PROCLAMATION U/O 5, RULE 20, C.P.C.

In the Court of Shri Shamsheer Singh, Sub-Judge 1st Class Dehra

CIVIL SUIT No. 17/79

Khushi Ram Vs. Rattan Chand and others.
To

1. Rattan Chand s/o Rasilu, 2. Dharmu s/o Ganeshu, 3. Kirhu s/o Nihalu, r/o village Gurnwar, Tehsil Dehra, 4. Raja Harvinder Singh s/o Raja Sham Singh r/o Dada, Tehsil Dehra.

Whereas in the above noted civil suit, summons have issued against the above named defendants from this court, but the summons received back un served.

Now it has proved to the satisfaction of this court that the above named defendants cannot be served through ordinary way of service. Hence this proclamation u/o 5, rule 20, C.P.C. is hereby issued against the above defendants to appear in this court on 15-9-1979 at 10 A.M. personally or through an authorised pleader or agent failing which *ex-parte* proceedings shall be taken against them.

Given under my hand and the seal of the court on this 10th day of August, 1979.

Seal. SHAMSHER SINGH,
Sub-Judge, Dehra.

ब अदालत श्री जी० एल० शर्मा, तहसीलदार बन्दीबस्त, (सहायक समाहित प्र म अंग्रेजी) भंडोली सर्कल तहसील देहरा, जिला कांगड़ा।

इसतहार निम्न आर्डर 5, रूल 20 जास्ता दिवानो

ब मुकदमा

कपूर चन्द पुत्र भगत राम ब रमेश चन्द पुत्र कपूर चन्द, वासी पंजवाहा, मौजा भंडोली, तहसील देहरा सायल।

बनाम

श्रीमती ल जवन्ती विष्वा नील पुत्र हूनि चन्द श्रीमती निर्मला देवी श्रीमती मनोहर लता पुत्री ब कविल कुमार पुत्र नील कृष्ण गोपाल पुत्र चरंजी लाल, चन्द गुप्त पुत्र चरंजी लाल, अशोक कुमार पुत्र चरंजी लाल, मौजा राम पुत्र नाथ, लरजा राम पुत्र मौजा राम पूर्णानन्द बेना जगन नाथ वासी ज्वालामुखी, तहसील देहरा फरीक दोयम

दावा तहसील अराजी खाता नम्बर 31 खतीनी नम्बर 59 त 65 रकबा तादादी 0-74-54 हे० बाक्या महाल भदवाड़ा।

मुकदमा उपरोक्त में श्रीमती लजवन्ती श्रीमती निर्मला देवी, श्रीमती मनोहर लता ब पूर्णानन्द फरीक दोयम को बजरीया समन कई बा इस अदालत में तलब किया गया किन्तु उन पर समन की तामी होनी नहीं पाई गई। फरीक दोयम साधारण तामील पर हाजि

अदालत नहीं हो रहे हैं। इस प्रकार वह अदालत देवा में हाजिर हो रहे से पक्षापेक्ष करने या जा रहे हैं। अतः श्रीमती याज्ञवन्ती, निर्मला देवी, श्रीमती अनन्तरत्ना व पूर्णा नन्द फरीक दोयम गैर हाजिर को जेर आर्डर 5, रूल 20 जायदा दिवानी बजरीया इस्तहार देवा सूचित किया जाता है कि वह दावा तकसीम की पैरबी के लिए आईन्दा तारीख मिति 4-9-79 को अदालतन व बकालतन हाजिर आवें यदि यह निश्चित तारीख पैसी पर हाजिर न होंगे तो उनके खिलाफ कार्यवाही एकतरफा अग्रम में लाई जावेगी।

आज मिति 5-7-79 मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। जी० एल० गर्मा,
सहायक समाहर्ता, प्रथम श्रेणी, देहरा।

अदालत श्री जी० एल० गर्मा, तहसीलदार बन्दोवस्त (सहायक समाहर्ता, प्रथम श्रेणी) तहसील देहरा, जिला कांगड़ा

इस्तहार निम्न आर्डर 5, रूल 20 जायदा दिवानी

बमुकदमा बरकी राम पुत्र लमदी राम पुत्र घनेया निजामी महान टिकर, तप्पा कलौहा, तहसील देहरा, जिला कांगड़ा .. सायल।

बनाम

विपक्ष पुत्र कलिया, बालक राम पुत्र घसीद, राम प्यारी, सत्यादेवी पुत्री व सेव राज पुत्र व श्रीमती ब्यासा देवी विधवा सीतू उपनाम सीता रम्भ, सुरिन्द कुमार पुत्र स्याली, भगत राम पुत्र दिवाना, गंगा राम पुत्र साधू, प्यारे लाल पुत्र सरवण निवासी महान टिकर, तप्पा कलौहा तहसील देहरा, जिला कांगड़ा .. फरीक दोयम।

दावा तकसीम अराजी खाता नम्बर 45 खतीनी नम्बर 192 ता 197 रकबा तादावी 0-45-87 है 0 वाक्या महान टिकर।

मुकदमा उपरोक्त में विपक्ष, राम प्यारी, सत्या देवी, लैख राज, ब्यासा देवी, सुरिन्द कुमार, गंगा राम, प्यारे लाल फरीक दोयम को बजरीया समन कई बार इस न्यायालय में तलब किया गया किन्तु उन पर समन की तामील होनी नहीं पाई गई। फरीक दोयम साधारण तामील पर हाजिर अदालत नहीं हो रहे हैं। स प्रकार वह अदालत देवा में हाजिर होने से पक्षापेक्ष करने पाये जा रहे हैं। अतः उपरोक्त गैर हाजिर फरीक दोयम को जेर आर्डर 5, रूल 20 जायदा दिवानी बजरीया इस्तहार देवा सूचित किया जाता है कि वह दावा तकसीम की पैरबी के लिए आईन्दा तारीख मिति 4-9-79 को अदालतन या बकालतन हाजिर आवें। यदि वह निश्चित तारीख पैसी पर हाजिर न होंगे तो उनके खिलाफ कार्यवाही एक तरफा अग्रम में लाई जावेगी।

आज मिति 5-7-79 मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। जी० एल० गर्मा,
सहायक समाहर्ता, प्रथम श्रेणी, देहरा।

अदालत नायब-तहसीलदार साहिब, कांगड़ा व अखत्यारात एसिस्टेंट कलेक्टर, दर्जा दोयम, कांगड़ा
मुकदमा नं० 38 एन० टी० आफ 1979

तानी बनाम श्रीमती टीटा देवी, मनी राम कुंजी लाल,

पुत्र अख्तर मिह, सकना सपड़ा, मौजा बोह तहसील व जिला कांगड़ा।
4. बुन्नी राम, 5. जैमल राम, 6. पण्डित राम पुत्रान, 7. श्रीमती रततो देवी बुखतर योग लिया 8. मयूक राम पुत्र खड्क राम, 9. शोभा, 10. अलूह राम, 11. किहू राम, पुत्रान लौहलू 12. कलू पुत्र बजौर, 13. रूमी राम, 14. मुसाफिर पुत्रवान श्री सीहू 15. कांसी देवी 16. गोषो देवी, 17. खेड़ी देवी, पुत्रियान श्री रघु राम, सकना सपड़ा, मौजा बोह, तहसील व जिला कांगड़ा, 18. बर्ग पुत्र रघु राम (तावालिग) बरसाकत किटी देवी बलद खुद, 19. किटी देवी बेवा रघु राम, सकना सपड़ा मौजा बोहा, तहसील व जिला कांगड़ा, 20. श्रीमती जानकी देवी बेवा माता 21. प्रधाना, 22. त्रिमरी पुत्र मवरुण राम 23. गता राम पुत्र पंजा राम, सकना सपड़ा, मौजा बोहा, तहसील व जिला कांगड़ा, 24. पृथो राम पुत्र पंजा तावालिग बरफागत जगत राम, वराद खुद, बानी टीका सपड़ा, मौजा बोह, तहसील व जिला कांगड़ा, 25. श्रीमती छनो देवी, 26. श्रीमती कांषो देवी, 27. श्रीमती धनी देवी पुत्रिया पंजा राम, बानी सपड़ा, मौजा बोहा, तहसील व जिला कांगड़ा।
.. मसूल अग्रम।

वरखास्त तकसीम अराजी मन्दरजा खाता नं० 12 खतीनी नं० 22ता 32 खसरा नं० किता 62 रकबा बकदर 1-24-72 मुन्दरजा जमाबन्दी सिमल हकियत बन्दोवस्त जदीद वाक्या महान सपड़ा, मौजा बोह, तहसील व जिला कांगड़ा।

बमुकदमा तकसीम मुन्दरजा बाला में श्रीमती टीटा इत्यादि उपरोक्त व्यक्ति गण तामील करने से गृहज करते हैं और रु पोष हो जाते हैं इन को तामील मामूली तरीका से होनी कठिन है। अतः बजरीया इस्तहार देवा सूचित किया जाता है कि अगर उपरोक्त व्यक्तिगण मिति 30-8-79 को हाजिर अदालत न हुए तो इन के विरुद्ध कार्यवाही एक तरफा अग्रम में लाई जावेगी। आज हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर। हस्ताक्षरित,
सहायक समाहर्ता, द्वितीय श्रेणी, तहसील कांगड़ा।

अदालत जनाब निमल सिंह सुभन, तहसीलदार व सहायक समाहर्त व अखत्यारात, द्वितीय श्रेणी, पालमपुर

दरस्ती इन्द्राज पैसी 3-9-79

मुकदमा दरस्ती इन्द्राज खाता नं० 147 मिन, खतीनी नं० 367, खसरा नं० 651 तादावी 0-62-58 हैक्टर, वाक्या मुहाल, कोठी मौजा मन्याडा, तहसील पालमपुर।

संसार चन्द पुत्र शिव सिंह पुत्र नगीना सिंह, साकन कोठी, मौजा मन्याडा।
.. सायल।

बनाम

1. मन्दीरी किरपू, 2. प्रेमा पिबरान घान्या पुत्र झला, 3. तुलसी पुत्र नाभासूम, 4. कांसी पुत्र सम्भू पुत्र हीरू, साकन कोठी, मौजा मन्याडा, तहसील पालमपुर, जिला कांगड़ा
.. मसूल अग्रम।

समान बन फरीक दोषम बजीया इशतहार प्रवारा

बमकःमा मुंदरजा उनवान वाला में फरीक दोषम को समन कई बार जारी हुआ मगर हर बार बिना तामीन वापिस हुआ है। अमानत हजा को पूर्ण विश्वास हो चुका है कि इन फरीक दोषम को तामीन आमत दग में नहीं हो सकती है, अतः इशतहार हजा इतर फरीक दोषम को सूचित किया जाग है, कि वह तिथि 3-9-79 को मुख 10 बजे अमानत हजा में अमानतन या बकालत हाजर आकर पैरवी मुकदमा करें। अदम हाजरी कारंवाई एक तरफा अमानत म लाई जावेगी।

आज हमारे हस्ताक्षर व मोहर अदालत ने जारी हुआ।

मोहर।

निर्मल सिंह सुमन,
तहसीलदार व सहायक समाहर्ता,
द्वितीय श्रेणी, पालमपुर।

ब अदालत जनाब निर्मल सिंह सुमन, तहसीलदार, सहायक-
समाहर्ता बमकःमा प्रथम श्रेणी, पालमपुर

तकसीन मण्डी

तारीख रेशी 5-9-79

मातो राम पुत्र मुखिया पुत्र कन्हैया, माकन कडवाडी, तहसील
पालमपुर

बनाम

1. बिहारी लाल पुत्र व 2. श्रीमती गुंडी उताम विना देवा,
पुत्री व 3. श्रीमती कुन्मी देवी विवा श्री प्रभुराम, 4. प्यंगना
देवी पत्नी व, 5. रानी दुलतर विपु पुत्र मुखिया, 6. मुष्टा देवी,
7. अजू देवी, 8. नीतू देवी, 9. जना देवा, दुलवान विपु पुत्र
मुखिया, 10. शक्तिस्वरूप पुत्र व, 11. फूलों देवी, 12. गोहडी
देवी पुत्र मुखिया पुत्र कन्हैया, 13. मस्त राम, 14. फकीर चन्द
15. देग रात, 16. नन्द किशोर, 17. नन्द कुमार पुत्र व
18. बिद्या देवी, 19. निर्मला देवी, 20. लक्ष्मी देवी पुत्री मखीनी
पुत्र मुखिया, निवासीयान कडवाडी।

समान बनाम फरीक दोषम बजरिमा इशतहार राजपन व मुकदमा
मुंदरजा उनवान वाला में फरीक दोषम को समन कई बार जारी
हुआ मगर हर बार बिना तामीन वापिस हुआ है। अमानत हजा
का पूर्ण विश्वास हो चुका है, कि इन फरीक दोषम को तामीन
आमत दग में नहीं हो सकती है, अतः इशतहार हजा इतर फरीक
दोषम को सूचित किया जाता है कि वह तिथि 5-9-79 को मुख
10 बजे अमानत हजा में अमानतन या बकालत हाजर आकर
पैरवी मुकदमा करें। अदम हाजरी कारंवाई एक तरफा अमानत में
लाई जावेगी।

आज हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

निर्मल सिंह सुमन,
तहसीलदार व सहायक समाहर्ता,
प्रथम श्रेणी, पालमपुर।

ब अदालत जनाब श्री अमर सिंह राठौर, सहायक कुलकर्त, द्वितीय
श्रेणी, तहसील करमोग, जिला मण्डी

मि० न० 188 तारीख मरनुमा 4-12-78 माल

श्री नाम

बनाम

हेत राम

मोहर।

बनाम:—हेत राम पुत्र जालम पुत्र अगक, निवासी मुहल खडी,
तहसील करमोग।

उपरोक्त मुकदमा उनवान वाला में फरीक दोषम को कई बार
अदालत हजा में समनात जारी किये गये मगर जाये सकूनत पर
दस्तेयाव न हो रहा है और तामीन अमानत में गुरेज कर रहा
है जिसमें अदालत को पूर्ण विश्वास हो चुका है कि फरीक दोषम पर
तामीन अमानत साधारण तरीका से होनी कठिन है। अतः उपरोक्त
फरीक दोषम को बजरिमा इशतहार जेर आर्डर 5, खल 20, सी० पी०
सी० सूचित किया जाता है कि वह तिथि 3-9-79 मया 10
बजे मुख मुकदमा करमोग अमानत या बकालत उपस्थित होकर
पैरवी मुकदमा करें वरना कार्यवाही एक तरफा अमानत में
लाई जावेगी।

आज दिनांक 4-8-78 मेरे हस्ताक्षर व मोहर मेरी अदालत
से जारी हुआ।

मोहर।

अमर सिंह राठौर,
सहायक कुलकर्त।

ब अदालत जनाब श्री अमर सिंह राठौर, सहायक कुलकर्त,
द्वितीय श्रेणी, तहसील करमोग, जिला मण्डी

मि० न० 174 तारीख मरनुमा 4-12-78 माल

वीरर चन्द

बनाम

महीवर वीर।

बनाम:—1. गुरदासी विवा रूप चन्द, 2. जिला नन्द पुत्र मोजी
राम, 3. लोखु पुत्र चानगु 4. हेत राम पुत्र जवाहर,
निवासी मावांवार, तहसील करमोग, जिला मण्डी
हिमाचल प्रदेश।

उपरोक्त मुकदमा उनवान वाला में फरीक दोषम को कई बार
अदालत हजा में समनात जारी किये गये मगर जाये सकूनत पर
दस्तेयाव नहीं हो रहा है और तामीन अमानत में गुरेज कर रहे
हैं जिसमें अदालत को पूर्ण विश्वास हो चुका है कि फरीक दोषम
पर तामीन अमानत साधारण तरीका से होनी कठिन है। अतः उप-
रोक्त फरीक दोषम को बजरिमा इशतहार जेर आर्डर 5, खल 20,
सी० पी० सी० सूचित किया जाता है कि वे तिथि 3-9-79 समय 10
बजे मुख मुकदमा करमोग अमानत या बकालत उपस्थित होकर
पैरवी मुकदमा करें वरना कार्यवाही एक तरफा अमानत में
लाई जावेगी।

आज दिनांक 18-7-79 मेरे हस्ताक्षर व मोहर मेरी अदालत से
जारी हुआ।

अमर सिंह राठौर,
सहायक कुलकर्त, द्वितीय श्रेणी,
तहसील करमोग, जिला मण्डी।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT

CHAPTER I

NOTIFICATIONS

PRELIMINARY

Simla-2, the 11th April, 1979

No. LLR-E (9)-23/78.—The following Acts recently passed by the Parliament which have already been published in the Gazette of India, Extraordinary, Part II, Section 1, are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Britannia Engineering Company Limited (Mokameh Unit) and Arthur Butler and Company Muzaffarpore Limited (Acquisition and Transfer of Undertakings) Act, 1978 (Act No. 41 of 1978).
2. The Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Act, 1978 (Act No. 42 of 1978).
3. The Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (Act No. 43 of 1978).
4. The Water (Prevention and Control of Pollution) Amendment Act, 1978 (Act No. 44 of 1978).
5. The Code of Criminal Procedure (Amendment) Act, 1978 (Act No. 45 of 1978).
6. The Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978 (Act No. 46 of 1978).
7. The Motor Vehicles (Amendment) Act, 1978 (Act No. 47 of 1978).
8. The Payment of Bonus (Amendment) Act, 1978 (Act No. 48 of 1978).
9. The Sugar Undertakings (Taking Over of Management) Act, 1978 (Act No. 49 of 1978).

K. C. GUPTA,
Under Secretary.

Assented to on 8-12-1978.

THE BRITANNIA ENGINEERING COMPANY LIMITED (MOKAMEH UNIT) AND THE ARTHUR BUTLER AND COMPANY (MUZAFFARPORE) LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) ACT, 1978

ACT No. 41 of 1978

**AN
ACT**

to provide for the acquisition and transfer of the right, title and interest of the undertakings of Britannia Engineering Company in relation to the Mokameh unit owned by it and the right, title and interest of Arthur Butler and Company in relation to the undertakings owned by it with a view to ensuring the continued manufacture of railway wagons and other goods essential to the needs of the country in general and the Railways in particular, and for matters connected therein incidental thereto.

WHEREAS Britannia Engineering Company at the Mokameh Unit and Arthur Butler and Company were engaged in the manufacture of railway wagons and other goods;

AND WHEREAS as a result of the closure of the wagon and other undertakings owned by the companies aforesaid, there was a substantial fall in the manufacture of railway wagons and other goods;

AND WHEREAS for the purpose of bringing the closed works of the companies aforesaid in to operation the management of the Mokameh unit of Britannia Engineering Company and the management of the undertakings of Arthur Butler and Company were taken over by the Central Government under the Industries (Development and Regulation) Act, 1951 (65 of 1951);

AND WHEREAS it is necessary to acquire the said wagon and other undertakings to ensure the continued manufacture of railway wagons and other goods which are essential to the needs of the country in general, and the Railways in particular;

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Britannia Engineering Company Limited (Mokameh Unit) and the Arthur Butler and Company (Muzaffarpore) Limited (Acquisition and Transfer of Undertakings) Act, 1978.

(2) The provisions of sections 27 and 28 shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of April, 1978.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the 1st day of April, 1978;
- (b) "Arthur Butler and Company" means Messrs Arthur Butler and Company (Muzaffarpore) Limited, a company within the meaning of the Companies Act, 1956 (1 of 1956), and having its registered office at 40, Strand Road, Calcutta, in the State of West Bengal;
- (c) "Britannia Engineering Company" means Messrs. Britannia Engineering Company Limited, a company within the meaning of the Companies Act, 1956 (1 of 1956) and having its Road, registered office at 3, Netaji Subhash Calcutta, in the State of West Bengal;

(d) "Commissioner" means the Commissioner of Payments appointed under section 15;

(e) "Government company" means a company within the meaning of section 617 of the Companies Act, 1956 (1 of 1956) and referred to in section 5 of this Act;

(f) "Mokameh unit" means the wagon and other undertakings owned by Britannia Engineering Company at Mokameh, in the State of Bihar;

(g) "notification" means a notification published in the Official Gazette;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "specified date", in relation to any provision of this Act, means such date as the Central Government may, by notification, specify for the purpose of that provision and different dates may be specified for different provisions of this Act;

(j) "wagon and other undertaking" means the undertaking which is engaged in the manufacture of railway wagons and other goods;

(k) words and expressions used herein and not defined but defined in the Companies Act, 1956 (1 of 1956), have the meanings, respectively, assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF MOKAMEH UNIT AND UNDERTAKINGS OF ARTHUR BUTLER AND COMPANY

3. *Vesting in the Central Government of Mokameh unit and undertakings of Arthur Butler and Company.*—On the appointed day,—

(i) the Mokameh unit and the right, title and interest of Britannia Engineering Company in relation to the Mokameh unit; and

(ii) the undertakings owned by Arthur Butler and Company and the right, title and interest of Arthur Butler and Company in relation to the said undertakings,

shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

4. *General effect of vesting.*—(1) The Mokameh unit, and the undertakings of Arthur Butler and Company, referred to in section 3, shall be deemed to include all

assets, rights lease-holds, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery and equipment, cash balances, cash in hand, reserve funds, investments and book debts pertaining to the Mokameh unit or, as the case may be, the undertakings of Arthur Butler and Company, and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control—

- (a) of Britannia Engineering Company, in relation to the Mokameh unit, or
- (b) of Arthur Butler and Company, in relation to the undertakings owned by it,

whether within or outside India, and all books of account, registers and other documents of whatever nature relating thereto.

(2) All properties as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting it, and any attachment, injunction or decree or order of any court or other authority, restricting the use of such properties in any manner or appointing any receiver in respect of the whole or any part of such properties shall be deemed to have been withdrawn.

(3) Every mortgagee of any property which has vested under this Act, in the Central Government and every person holding any charge, lien or other interest in, or in relation to, any such property shall give, within such time and in such manner as may be prescribed, an intimation to the Commissioner of such mortgage, charge, lien or other interest.

(4) For the removal of doubts, it is hereby declared that the mortgagee of any property referred to in sub-section (3) or any other person holding any charge, lien or other interest in, or in relation to any such property shall be entitled to claim, in accordance with his rights and interests, payment of the mortgage money or other dues, in whole or in part, out of the amounts specified in the First Schedule and also out of the monies determined under section 8, but no such mortgage, charge, lien or other interest shall be enforceable against any property which has vested in the Central Government or the Government company, as the case may be.

(5) If, on the appointed day, any suit, appeal or other proceeding of whatever nature instituted or preferred by or against Britannia Engineering Company in relation to the Mokameh unit, or by or against Arthur Butler and Company in relation to any undertaking owned by it, is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the Mokameh unit or, as the case may be, the undertakings of Arthur Butler and Company, or of any thing contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government or the Government company, as the case may be.

5. *Power of Central Government to direct vesting of Mokameh unit and the undertakings of Arthur Butler and Company in a Government Company.*—(1) Notwithstanding anything contained in section 3, the Central Government may, if it is satisfied that a Government company (whether in existence at the commencement of this Act or incorporated thereafter) is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by notification, that the Mokameh unit and the undertakings referred to in section 3, and the right, title and interest of Britannia Engineering Company in relation to the Mokameh unit, and the right, title and interest of Arthur Butler and Company in relation to the undertakings owned by it, which have vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Government company either on the date of the notification or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the notification.

(2) Where the right, title and interest in relation to the Mokameh unit and in relation to the other undertakings referred to in section 3, vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the owner of the Mokameh unit and of the undertakings of Arthur Butler and Company and all the rights and liabilities of the Central Government in relation to the Mokameh unit and the undertakings of Arthur Butler and Company shall, on and from the date of such vesting, be deemed to have been the rights and liabilities, respectively, of the Government company.

6. *Britannia Engineering Company and Arthur Butler and Company to be liable for certain prior liabilities.*—

(1) Every liability of Britannia Engineering Company in relation to the Mokameh unit, or of Arthur Butler and Company in relation to the undertakings owned by it, in respect of any period prior to the appointed day, shall be the liability of Britannia Engineering Company, or Arthur Butler and Company, as the case may be, and shall be enforceable against such company and not against the Central Government or the Government company.

(2) For the removal of doubts, it is hereby declared that,—

- (a) save as otherwise expressly provided in this section or in any other section of this Act,—
 - (i) no liability of Britannia Engineering Company, in relation to the Mokameh unit, and
 - (ii) no liability of Arthur Butler and Company, in relation to the undertakings owned by it,

in respect of any period prior to the appointed day, shall be enforceable against the Central Government or the Government company, as the case may be;

- (b) no award, decree or order of any court, tribunal or other authority in relation to the Mokameh unit, or in relation to the undertakings owned by Arthur Butler and Company, passed after the appointed day in respect of any matter, claim or dispute, which arose before that day, shall be enforceable against the Central Government or the Government company, as the case may be;

- (c) no liability incurred before the appointed day by—
 - (i) Britannia Engineering Company, in relation to the Mokameh unit, or
 - (ii) Arthur Butler and Company, in relation to the undertakings owned by it,

for the contravention of any provision of law for the time being in force shall be enforceable against the Central Government or the Government company, as the case may be.

CHAPTER III

PAYMENT OF AMOUNT

7. *Payment of amount.*—(1) For the transfer to, and vesting in, the Central Government, under section 3,—

- (a) of the Mokameh unit and the right, title and interest of Britannia Engineering Company, in relation to that unit; and
- (b) of the undertakings owned by Arthur Butler and Company, and the right, title and interest of Arthur Butler and Company, in relation to those undertakings,

there shall be given by the Central Government to Britannia Engineering Company and Arthur Butler and Company, in cash and in the manner specified in Chapter VI, an amount equal to the amount specified, respectively, in the First Schedule, against Britannia Engineering Company and Arthur Butler and Company.

(2) For the removal of doubts, it is hereby declared that the liabilities of—

- (i) Britannia Engineering Company, in relation to the Mokameh unit, and

(ii) Arthur Butler and Company, in relation to the undertakings owned by it, shall be met, in accordance with the rights and interests of the creditors of the respective company from the amount due, respectively, to Britannia Engineering Company and Arthur Butler and Company, under sub-section (1).

8. *Payment of further amount.*—(1) For the deprivation of Britannia Engineering Company of the management of the Mokameh unit and for the deprivation of Arthur Butler and Company of the management of the undertakings owned by it, there shall be given, in cash, by the Central Government to the respective company, in addition to the amount specified in section 7, an amount computed at the rate of ten thousand rupees per annum for the period commencing on the date on which the management of such unit or, as the case may be, such undertakings, was taken over by the Central Government under the Industries (Development and Regulation) Act, 1951 (65 of 1951) and ending with the appointed day.

(2) In consideration of the retrospective operation of the provisions of sections 3, 4 and 6, there shall also be given, in cash, by the Central Government to Britannia Engineering Company and to Arthur Butler and Company an amount equal to an amount calculated at the rate of ten thousand rupees per annum for the period commencing on the appointed day and ending with the date on which this Act receives the assent of the President.

(3) The amount specified in section 7 and the amount computed under sub-sections (1) and (2) shall carry simple interest at the rate of four per cent per annum for the period commencing on the appointed day and ending with the date on which the payment of amount is made by the Central Government to the Commissioner.

(4) The amounts determined in accordance with the provisions of sub-section (1), (2) and (3) shall be given to Britannia Engineering Company and to Arthur Butler and Company in addition to the amount specified in the First Schedule.

CHAPTER IV

MANAGEMENT, ETC., OF MOKAMEH UNIT AND THE UNDERTAKINGS OF ARTHUR BUTLER AND COMPANY

9. *Management, etc., of Mokameh unit and the undertakings of Arthur Butler and Company.*—On the appointed day, the general superintendence, direction, control and management of the affairs and business of the Mokameh unit and of the undertakings owned by Arthur Butler and Company shall—

- where a direction has been made by the Central Government under section 5, vest in the Government company specified in such direction, or
- where no such direction has been made, vest in such person or body of persons as may be appointed by the Central Government in this behalf,

and thereupon the Government company so specified or the person or body of persons so appointed, as the case may be, shall be entitled to exercise all such powers and do all such things as Britannia Engineering Company is authorised to exercise and do in relation to its Mokameh unit or, as the case may be, Arthur Butler and Company is authorised to exercise and do in relation to the undertakings owned by it.

10. *Duty to deliver possession of Mokameh unit and undertakings of Arthur Butler and Company.*—(1) Every person, in whose possession or custody or control—

- the Mokameh unit, or
- any undertaking of Arthur Butler and Company, or

any part of such unit or undertaking or any machinery, instrument or other movable assets forming part of such unit or undertaking, may be immediately before the appointed day, shall forthwith deliver possession of the

Mokameh unit or such undertaking or such part, machinery, instrument or other asset, as the case may be, to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(2) Every person who has, on the appointed day, in his possession or under his control any assets, books, documents or other papers relating to the Mokameh unit or any undertaking owned by Arthur Butler and Company, which has vested in the Central Government or a Government company under this Act, and which belong to Britannia Engineering Company or, as the case may be, Arthur Butler and Company, or would have so belonged if the Mokameh unit, or, as the case may be, the undertakings owned by Arthur Butler and Company, had not vested in the Central Government or the Government company, shall be liable to account for the said assets, books, documents and other papers to the Central Government or the Government company and shall deliver them up to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf.

(3) The Central Government may take or cause to be taken all necessary steps for securing possession of the Mokameh unit and the undertakings of Arthur Butler and Company which have vested in it under section 3.

11. *Duty of the companies to furnish particulars.*—Britannia Engineering Company and Arthur Butler and Company shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day, pertaining to the Mokameh unit or, as the case may be, the undertakings owned by Arthur Butler and Company which has or have vested in the Central Government under section 3, and, for this purpose the Central Government or the Government company shall afford Britannia Engineering Company or Arthur Butler and Company all reasonable facilities.

12. *Duty of persons in charge of management of Mokameh unit or undertakings of Arthur Butler and Company to deliver assets, etc.*—On the vesting in the Central Government or the Government company of the management of the Mokameh unit or of any undertakings owned by Arthur Butler and Company, all persons in charge of the management of the Mokameh unit or, as the case may be, the undertakings owned by Arthur Butler and Company immediately before the date of such vesting, shall be bound to deliver to the Central Government or the Government company or to such person or body of persons as the Central Government or the Government company may specify in this behalf, all assets, books of account, registers or other documents in their custody relating to the Mokameh unit or, as the case may be, any undertaking owned by Arthur Butler and Company.

CHAPTER V

PROVISIONS RELATING TO EMPLOYEES OF MOKAMEH UNIT AND OF ARTHUR BUTLER AND COMPANY

13. *Employment of employees to continue.*—(1) Every person who has been, immediately before the appointed day, employed by—

- Britannia Engineering Company, in connection with the Mokameh unit, or
- Arthur Butler and Company, in connection with any undertaking owned by it,

shall become, on and from the appointed day an employee of the Central Government or, as the case may be, of the Government company, and shall hold office or service under the Central Government or the Government company, as the case may be, with the same rights and privileges as to pension, gratuity and other matters as would have been admissible to him if there had been no such vesting and shall continue to do so unless and until his employment under the Central Government or the Government company, as the case may be, is duly

terminated or until his remuneration and other conditions of service are duly altered by the Central Government or the Government company, as the case may be.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other person employed in the Mokameh unit or any undertakings owned by Arthur Butler and Company, to the Central Government or the Government company shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.

14. *Provident fund and other funds.*—(1) Where Britannia Engineering Company or Arthur Butler and Company has established a provident fund, superannuation fund, welfare fund or other fund for the benefit of persons employed in the Mokameh unit or, as the case may be, any of the undertakings owned by Arthur Butler and Company, the monies relatable to the employees, whose services have become transferred by or under this Act to the Central Government or the Government company shall, out of the monies standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other funds, stand transferred to, and vest in, the Central Government or the Government company, as the case may be.

(2) The monies which stand transferred under sub-section (1) to the Central Government or the Government company, as the case may be, shall be dealt with by that Government or the Government company in such manner as may be prescribed.

CHAPTER VI

COMMISSIONER OF PAYMENTS

15. *Appointment of Commissioner of Payments.*—(1) The Central Government shall, for the purpose of disbursing the amount payable under sections 7 and 8 to Britannia Engineering Company and to Arthur Butler and Company, by notification, appoint a Commissioner of Payments.

(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons also to exercise all or any of the powers exercisable by him under this Act and different persons may be authorised to exercise different powers.

(3) Any person authorised by the Commissioner to exercise any of the powers exercisable by the Commissioner may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.

(4) The salaries and allowances of the Commissioner and other persons appointed under this section shall be defrayed out of the Consolidated Fund of India.

16. *Payment by Central Government to the Commissioner.*—(1) The Central Government shall, within thirty days from the specified date, pay, in cash, to the Commissioner, for payment to Britannia Engineering Company and to Arthur Butler and Company,—

- (a) an amount equal to that specified against each of their names in the First Schedule,
- (b) an amount equal to that payable to Britannia Engineering Company and Arthur Butler and Company under section 8.

(2) A deposit account shall be opened by the Central Government in favour of the Commissioner in the Public Account of India, and every amount paid under this Act to the Commissioner shall be deposited by him to the credit of the said deposit account and the said deposit account shall be operated by the Commissioner.

(3) Separate records shall be maintained by the Commissioner in respect of Mokameh unit and the undertakings owned by Arthur Butler and Company in relation to which payment has been made to him under this Act.

(4) Interest accruing on the amounts standing to the credit of the deposit account referred to in sub-section (2) shall enure to the benefit of Britannia Engineering Company and Arthur Butler and Company.

17. *Certain powers of the Central Government or Government company.*—(1) The Central Government or the Government company, as the case may be, shall be entitled to receive, up to the specified date, to the exclusion of all other persons, any money due to Britannia Engineering Company in relation to the Mokameh unit, or Arthur Butler and Company in relation to any of the undertakings owned by it, which has vested in the Central Government or the Government company, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

(2) The Central Government or the Government company, as the case may be, may make a claim to the Commissioner with regard to every payment made by that Government after the appointed day for discharging any liability of Britannia Engineering Company in relation to the Mokameh unit, or of Arthur Butler and Company in relation to any of the undertakings owned by it, in relation to any period prior to the appointed day, and every such claim shall have priority, in accordance with the priorities attaching under this Act, to the matter in relation to which such liability has been discharged by the Central Government or the Government company.

(3) Save as otherwise provided in this Act, the liabilities of Britannia Engineering Company in relation to the Mokameh unit, or of Arthur Butler and Company in relation to any of the undertakings owned by it, in respect of any transaction prior to the appointed day, which have not been discharged on or before the specified date, shall be the liabilities of Britannia Engineering Company or Arthur Butler and Company, as the case may be.

18. *Claims to be made to the Commissioner.*—Every person having a claim against Britannia Engineering Company in relation to the Mokameh unit, or against Arthur Butler and Company in relation to the undertakings owned by it, shall prefer such claim before the Commissioner within thirty days from the specified date:

Provided that if the Commissioner is satisfied that the claimant was prevented by sufficient cause from preferring the claim within the said period of thirty days, he may entertain the claim within a further period of thirty days, but not thereafter.

19. *Priority of claims.*—The claims arising out of the matters specified in the Second Schedule shall have priorities in accordance with the following principles, namely:—

- (a) category I shall have precedence over all categories and category II shall have precedence over category III and so on;
- (b) the claims specified in each of the categories, except category IV, shall rank equally and be paid in full, but, if the amount is insufficient to meet such claims in full, they shall abate in equal proportion and be paid accordingly;
- (c) the liabilities specified in category IV shall be discharged subject to the priorities specified in this section in accordance with the terms of the secured loan and priority, *inter se*, of such loans; and
- (d) the question of discharging any liability with regard to a matter specified in a lower category shall arise only if a surplus is left after meeting all the liabilities specified in the immediately higher category.

20. *Examination of claims.*—(1) On receipt of the claims made under section 18, the Commissioner shall arrange the claims in the order of priorities specified in the Second Schedule and examine the same in accordance with such order of priorities.

(2) If on an examination of the claim, the Commissioner is of opinion that the amount paid to him under this Act is not sufficient to meet the liabilities specified in any lower category, he shall not be required to examine the claim in respect of such lower category.

21. *Admission or rejection of claims.*—(1) After examining the claims with reference to the priorities set out in the Second Schedule, the Commissioner shall fix a date on or before which every claimant shall file the proof of his claim failing which he will be excluded from the benefit of the disbursement made by the Commissioner.

(2) Not less than fourteen days' notice of the date so fixed shall be given by advertisement in one issue of the daily newspaper in the English language having circulation in the major part of the country and one issue of such daily newspaper in the regional language as the Commissioner may consider suitable, and every such notice shall call upon the claimant to file the proof of his claim with the Commissioner within the period specified in the advertisement.

(3) Every claimant who fails to file the proof of his claim within the period specified by the Commissioner shall be excluded from the disbursement made by the Commissioner.

(4) The Commissioner shall, after such investigation as may, in his opinion, be necessary and after giving Britannia Engineering Company or, as the case may be, Arthur Butler and Company, an opportunity of refuting the claim and after giving the claimant a reasonable opportunity of being heard, in writing, admit or reject the claim in whole or in part.

(5) The Commissioner shall have the power to regulate his own procedure in all matters arising out of the discharge of his functions, including the place or places at which he may hold his sitting and shall, for the purpose of making any investigation under this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely:—

- (a) the summoning and enforcing the attendance of any witness and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavits;
- (d) the issuing of any commission for the examination of witnesses.

(6) Any investigation before the Commissioner shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(7) A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision to the principal court of original jurisdiction within the local limits of whose jurisdiction the Mokameh unit or, as the case may be, the registered office of Arthur Butler and Company is situated:

Provided that where a person, who is a Judge of a High Court is appointed to be the Commissioner, such appeal shall lie to the High Court of the State in which the registered office of Britannia Engineering Company or, as the case may be, Arthur Butler and Company is situated, and such appeal shall be heard and disposed of by not less than two Judges of that High Court.

22. *Disbursement of money by Commissioner.*—After admitting the claim under this Act, the amount due in respect of such claim shall be paid by the Commissioner

to the person or persons to whom such sums are due and on such payment the liability of Britannia Engineering Company in relation to the Mokameh unit, or of Arthur Butler and Company in respect of any claim relating to the undertakings owned by it shall stand discharged.

23. *Disbursement of amounts to Britannia Engineering Company and Arthur Butler and Company.*—(1) If out of the monies paid to him in relation to the Mokameh unit or in relation to any undertaking owned by Arthur Butler and Company there is a balance left after meeting the liabilities as specified in the Second Schedule, the Commissioner shall disburse such balance to Britannia Engineering Company, or as the case may be, to Arthur Butler and Company.

(2) Where the possession of any machinery, equipment or other property has vested in the Central Government or the Government company under this Act, but such machinery, equipment or other property does not belong to Britannia Engineering Company or, as the case may be, Arthur Butler and Company, it shall be lawful for the Central Government to continue to possess such machinery or equipment or other property on the same terms and conditions under which they were possessed by Britannia Engineering Company or, as the case may be, Arthur Butler and Company, immediately before the appointed day.

24. *Undisbursed or unclaimed amount to be deposited with the General Revenue Account.*—Any money paid to the Commissioner which remains undisbursed or unclaimed for a period of three years from the last date on which the disbursement was made, shall be transferred by the Commissioner to the General Revenue Account of the Central Government: but a claim to any money so transferred may be preferred to the Central Government by the person entitled to such payment and shall be dealt with as if such transfer had not been made, the order, if any, for payment of the claim being treated as an order for the refund of the revenue.

CHAPTER VII

MISCELLANEOUS

25. *Act to have overriding effect.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, for the time being in force or in any instrument having effect by virtue of any law, other than this Act, or in any decree or order of any court, tribunal or other authority.

26. *Contracts to cease to have effect unless ratified by the Central Government or the Government company.*—

(1) Every contract entered into by Britannia Engineering Company in relation to the Mokameh unit, or Arthur Butler and Company in relation to any of the undertaking owned by it, which has vested in the Central Government under section 3, for the service, sale or supply and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from the date on which this Act receives the assent of the President, cease to have effect unless such contract is, before the expiry of that period, ratified, in writing, by the Central Government, or the Government company, and in ratifying such contract, the Central Government or the Government company may make such alteration or modification therein as it may think fit:

Provided that the Central Government or the Government company shall not omit to ratify a contract and shall not make any alteration or modification in a contract unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of, the Central Government or the Government company.

(2) The Central Government or the Government company shall not omit to ratify a contract, and shall not make any alteration or modification therein, except after

giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for refusal to ratify the contract or for making any alteration or modification therein.

27. Penalties.—Any person who,—

- (a) having in his possession, custody or control any property forming part of the Mokameh unit, or any of the undertakings owned by Arthur Butler and Company, wrongfully withholds such property from the Central Government or the Government company; or
- (b) wrongfully obtains possession of, or retains, any property forming part of, the Mokameh unit, or any of the undertakings owned by Arthur Butler and Company; or
- (c) wilfully withholds or fails to furnish to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, as the case may be, any document relating of the Mokameh unit, or any of the undertakings owned by Arthur Butler and Company, which may be in his possession, custody or control; or
- (d) fails to deliver to the Central Government or the Government company or any person or body of persons specified by that Government or the Government company, any assets, books of account, registers or other documents in his possession, custody or control relating to the Mokameh unit, or any of the undertakings owned by Arthur Butler and Company; or
- (e) wrongfully removes or destroys any property forming part of the Mokameh unit, or any of the undertakings owned by Arthur Butler and Company or prefers any claim under this Act which he knows or has reason to believe to be false or grossly inaccurate,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

28. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

29. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any officer of that Government or the Government company or other person authorised by that Government or the Government company for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or any of its officers or other employees or the Government company or any officer or other person authorised by that company for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

30. Delegation of Powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than the powers conferred by sections 31 and 32, may also be exercised by such person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

31. Power to make rules.—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the time within which, and the manner in which, an intimation referred to in sub-section (3) of section 4 shall be given;
- (b) the manner in which the monies in any provident fund or other fund, referred to in sub-section (2) of section 14 shall be dealt with;
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

32. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

33. Declaration as to the policy of the State.—It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clause (n) of article 39 of the Constitution.

Explanation.—In this section "State" has the same meaning as in article 12 of the Constitution.

THE FIRST SCHEDULE

(See sections 4, 7, 8 and 16)

S. No.	Name of the company	Amount (Rupees in lakhs)
1.	The Britannia Engineering Company	152.85
2.	Arthur Butler and Company	137.70

THE SECOND SCHEDULE

(See sections 19, 20, 21 and 23)

ORDER OF PRIORITIES

Category I

(i) Employees' dues on account of arrears of tripartite settlement for the period from the 1st day of January, 1975 to the 31st day of May, 1975.

(ii) Employees' dues on account of unpaid salaries, wages, provident fund, employees' State Insurance contribution or premium relating to Life Insurance Corporation of India.

Category II

Secured loans from nationalised banks and secured loans from Industrial Reconstruction Corporation of India for the post-take-over management period.

Category III

Central Government loans for the post-take-over management period.

Category IV

Secured loans from nationalised banks and secured loans from financial institutions for the pre-take-over management period.

Category V

Revenue, taxes, cesses, rates or other dues to Central Government, State Government and local authorities or State Electricity Board for the pre-take-over management period.

Category VI

Trade and other creditors for the pre-take-over management period.

Assented to on 8-12-1978

THE BOLANI ORES LIMITED (ACQUISITION OF SHARES) AND MISCELLANEOUS PROVISIONS ACT, 1978

ACT No. 42 OF 1978

AN
ACT

to provide for the acquisition of shares of the Bolani Ores Limited in public interest in order to serve better the needs of the nation and to facilitate the promotion and development in the interests of the general public, of national steel industry and or matters connected there with or incidental thereto.

WHEREAS Bolani Ores Limited was incorporated as a private limited company in June, 1957 for supplying ores mainly to the Durgapur Steel Plant;

WHEREAS 50.5 per cent shares in the shares capital of the said Bolani Ores Limited are held by the Steel Authority of India Limited, a wholly owned Government company and the remaining 49.5 per cent. shares are held by the Orissa Minerals Development Company Limited;

WHEREAS cumulative losses suffered by the said Bolani Ores Limited at the end of 1977-78 were to the extent of over Rs. 270 lakhs and the said Bolani Ores Limited is in need of urgent funds to carry on the operations of its undertakings;

AND WHEREAS the Orissa Minerals Development Company is not willing to contribute any further amount towards the share capital of the Bolani Ores Limited;

AND WHEREAS the Bolani Ores Limited is the main source of supply of iron ores to the Durgapur Steel Plant and without further substantial investments by way of capital outlay and otherwise the supply of iron ores to the said Plant cannot be maintained;

AND WHEREAS it is expedient in the public that the shares of the said Bolani Ores Limited should be acquired;

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. *Short title and commencement.*—(1) This Act may be called the Bolani Ores Limited (Acquisition of Shares) and Miscellaneous Provisions Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—(1) In this Act, unless the context otherwise requires,—

- (a) "appointed day" means the date on which this Act comes into force;
- (b) "Bolani Ores Limited" means the Bolani Ores Company Limited, a company formed and registered under the Companies Act and having its registered office at Chartered Bank Buildings in Calcutta in the State of West Bengal;
- (c) "Companies Act" means the Companies Act, 1956 (1 of 1956);
- (d) "dissolved company" means the Bolani Ores Limited dissolved by virtue of section 6;
- (e) "the Company" means the Orissa Minerals Development Company Limited, a company formed and registered under the Companies Act and having its registered office at Chartered Bank Buildings, Calcutta in the State of West Bengal;
- (f) "Steel Authority of India" means the Steel Authority of India Limited, a company formed and registered under the Companies Act and having its registered office at New Delhi.

(2) Save as provided in section 14, the words and expressions used herein and not defined but defined in the Companies Act have the meanings respectively assigned to them in that Act.

CHAPTER II

ACQUISITION AND TRANSFER OF SHARES OF BOLANI ORES LIMITED

3. *Vesting in the Central Government of the shares held by the Company.*—(1) On the appointed day, all the shares held by the Company in the share capital of the Bolani Ores Limited shall, by virtue of this Act, stand transferred to, and shall vest in, the Central Government.

(2) All the shares which have vested in the Central Government under sub-section (1) shall, by force of such vesting, be freed and discharged of all trusts, liabilities, obligations, mortgages, charges liens and other encumbrances affecting them, and any attachment or injunction or any decree or order of any court, tribunal or other authority restricting the use of such shares in any manner shall be deemed to have been withdrawn.

4. *Payment of amount to the company.*—(1) For the transfer to and vesting in, the Central Government under section 3 of the shares held by the Company in the Bolani Ores Limited, the Central Government shall, within thirty days from the appointed day, pay to the Company in cash, and amount of forty nine thousand five hundred rupees:

(2) Where the Central Government fails to pay to the Company the amount specified in sub-section (1) within the period specified in that sub-section, the Central Government shall pay on the said amount simple interest at the rate of six per cent per annum from the appointed day till the date of payment.

5. *Allocation of shares the Steel Authority of India.*—

(1) All the shares held by the Company in the Bolani Ores Limited which have vested in the Central Government by virtue of section 3 shall, immediately after they have so vested, stand transferred to, and shall vest in, the Steel Authority of India.

(2) The amount paid by the Central Government for the shares which stand transferred to, and vested in, the Steel Authority of India under sub-section (1) shall be deemed to be the contribution by the Central Government to the equity capital of the Steel Authority of India and the Steel Authority of India shall issue (if necessary, after amending its memorandum and articles of association to the Central Government forty-nine fully paid-up shares of the face value of one thousand rupees each and pay to that Government five hundred rupees in cash.

CHAPTER III

VESTING OF UNDERTAKINGS IN THE STEEL AUTHORITY OF INDIA AND DISSOLUTION OF BOLANI ORES LIMITED

6. *Vesting of undertakings in the Steel Authority of India and dissolution of Bolani Ores Limited.*—On the appointed day—

- (a) all the undertakings of the Bolani Ores Limited, the shares of which have vested in the Steel Authority of India by virtue of section 5, shall stand transferred to, and shall vest in, the Steel Authority of India;
- (b) the Bolani Ores Limited shall stand dissolved.

7. *"Undertaking"—meaning of.*—For the purposes of this Act, the undertakings of the dissolved company shall be deemed to include all assets, rights, lease-holds (including mining leases), industrial or other licences, powers, authorities and privileges and all property, movable and immovable, including lands, buildings, works, mines, workshops, projects, stores, instruments, machinery, automobiles and other vehicles, equipment, cash or bank balances, cash in hand, reserve funds, investments and book debts and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the dissolved company and all books of account, registers, maps, drawings, records of survey and all other documents of whatever nature relating thereto, and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind of the dissolved company.

CHAPTER IV

PROVISIONS RELATING TO OFFICERS AND EMPLOYEES

8. *Provisions relating to officers and other employees of dissolved company.*—(1) Every officer (not being a director) or other employee holding office immediately before the appointed day in the dissolved company in relation to any undertaking of such company, shall, as from the appointed day, continue to hold office as such in respect of the undertaking vested in the Steel Authority of India by virtue of section 6, by the same tenure and upon the same terms and conditions of service and with the same rights and privileges as to retirement benefits as would have been admissible to him if the company in which he was holding office had not been dissolved and shall continue to do so unless and until such tenure and terms and conditions are duly altered by the Steel Authority of India.

(2) Notwithstanding anything contained in sub-section (1), rules relating to the conditions of service and Standing Orders applicable to the officers or other employees referred to in sub-section (1), as immediately before the appointed day, shall continue to apply unless and until they are duly altered by the Steel Authority of India.

9. *Provisions relating to directors.*—Every person holding office as a director of the dissolved company immediately before the appointed day shall, on that day, cease to hold office as such director.

10. *Provision relating to auditors.*—Every person appointed under section 619 of the Companies Act as an auditor of the dissolved company holding office immediately before the appointed day, may continue to hold office as such auditor in relation to the undertakings of the dissolved company which stand vested in the Steel Authority of India by virtue of section 6, for the duration for which he was so appointed, on the same terms and conditions as were applicable to him immediately before the appointed day.

11. *Directors, etc., not entitled to compensation.*—(1) Notwithstanding anything contained in any law for the time being in force, no director or managerial personnel specified in section 197-A of the Companies Act or other person entitled to manage the whole or a substantial part of the business and affairs of the undertakings of the

dissolved company under a special agreement or otherwise shall be entitled to any compensation against the dissolved company or the Central Government or the Steel Authority of India for the loss of office or for the premature termination of any contract of management entered into by him with the dissolved company whether such loss or termination was due to the provisions of this Act.

(2) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force, the provisions of sub-section (1) of section 8 shall not entitle any officer or other employee referred to in that sub-section to any compensation under that Act or under any other law for the time being in force and no claim for such compensation shall be entertained by any court, tribunal or other authority.

12. *Provident fund.*—Where a provident fund has been established by the dissolved company for the benefit of the employees and the same stands vested in a trust, the monies and other assets standing to the credit of such provident fund shall continue to be held in trust with the same objects as were applicable before the appointed day and the trustees of such trusts functioning immediately before the appointed day shall, subject to the provisions of the trust deeds and the rules relating to such trusts, continue to function as trustees in respect of such provident fund maintained in relation to the undertakings of the dissolved company which stand vested in the Steel Authority of India by virtue of section 6, as if this Act had not been passed:

Provided that the right to nominate trustees and other rights relating to the trust vested in the dissolved company shall vest in the Steel Authority of India.

13. *Gratuity, welfare fund and other fund.*—Where any gratuity, welfare fund or other fund has been established by the dissolved company for the benefit of its employees and is in existence immediately before the appointed day, all monies and other assets standing to the credit of or relating to such gratuity, welfare fund or other fund shall vest in the Steel Authority of India.

CHAPTER V

FINANCIAL PROVISIONS

14. *Provisions with respect to income-tax and surtax.*—(1) The Steel Authority of India shall be liable to pay any sum under the provisions of the Income-tax Act or the Companies (Profits) Surtax Act which the dissolved company would have been liable to pay if the dissolution had not taken place, in the like manner and to the same extent as the dissolved company.

(2) For the purpose of making an assessment of the income or, as the case may be, the chargeable profit of the dissolved company and for the purpose of levying any sum in accordance with the provisions of sub-section (1),—

- (a) any proceeding taken against the dissolved company before the appointed day shall be deemed to have been taken against the Steel Authority of India and may be continued against the Steel Authority of India from the stage at which it stood immediately before the appointed day;
- (b) any proceeding which could have been taken against the dissolved company, if the dissolution had not taken place, may be taken against the Steel Authority of India; and
- (c) all the provisions of the Income-tax Act or, as the case may be, the Companies (Profits) Surtax Act shall apply accordingly.

(3) The assessment of the income or, as the case may be, the chargeable profits of the previous year of the dissolved company up to the appointed day shall be made as if such dissolution had not taken place and all the provisions of the Income-tax Act or, as the case may be, the Companies (Profits) Surtax Act shall, so far as may be, apply accordingly.

(4) The transfer and vesting of the undertakings of the dissolved company in the Steel Authority of India under the provisions of this Act shall be deemed to be an amalgamation in relation to the dissolved company and the Steel Authority of India and the provisions of the Income-tax Act shall, so far as may be, apply accordingly as if references in the said Act to the amalgamating company and the amalgamated company were references to the dissolved company and the Steel Authority of India respectively.

(5) The accumulated loss and the unabsorbed depreciation, if any, of the dissolved company shall be deemed to be the loss or, as the case may be, allowance for depreciation of the Steel Authority of India for the previous year in which the amalgamation referred to in sub-section (4) has taken place and the provisions of the Income-tax Act relating to set-off and carry forward of loss and allowance for depreciation shall apply accordingly.

(6) The provisions of sub-sections (1) to (5) shall have effect notwithstanding anything to the contrary contained in the Income-tax Act or the Companies (Profits) Surtax Act.

Explanation.—For the purposes of this section,—

- (a) 'Income-tax Act' means the Income-tax Act, 1961 (43 of 1961);
- (b) 'Companies (Profits) Surtax Act' means the Companies (Profits) Surtax Act, 1964 (7 of 1964);
- (c) words and expressions used in this section and not defined in this Act but defined in the Income-tax Act or the Companies (Profits) Surtax Act shall have the meanings respectively assigned to them in the said Acts.

15. Taxes, fees and other charges not payable.—For the removal of doubts, it is hereby declared that no taxes, duties, fees or other charges of whatever nature (including registration charges), shall be payable in respect of any transfer of shares or transfer of undertakings or transfer of any immovable property, under the provisions of this Act.

CHAPTER VI

MISCELLANEOUS

16. Duty to deliver possession of properties, etc.—(1) Where any property appertaining to any of the undertakings of the dissolved company has been transferred to, and vested in, the Steel Authority of India,—

- (a) every person in whose possession, custody or control any such property may be, shall, on demand by the Steel Authority of India, forthwith deliver the property to the Steel Authority of India or to such person as the Steel Authority of India may authorise in this behalf;
- (b) any person who, immediately before such vesting has, in his possession, custody or control, any books, documents or other papers relating to any of the undertakings of the dissolved company shall be liable to account for the said books, documents and papers to the Steel Authority of India and shall deliver them to the Steel Authority of India or to such person as the Steel Authority of India may authorise in this behalf.

(2) Without prejudice to the other provisions contained in this section, it shall be lawful for the Steel Authority of India to take all necessary steps for taking possession of all properties, which have been transferred to, and vested in, it under this Act.

17. Penalties.—Any person who,—

- (a) having in his possession, custody or control any property forming part of the dissolved company wrongfully withholds such property from the Steel Authority of India; or
- (b) wrongfully obtains possession of, or retains, any property forming part of any of the undertakings of the dissolved company; or

(c) wilfully withholds or fails to furnish to the Steel Authority of India or any person authorised by it any books, documents or other papers relating to any of the undertakings of the dissolved company which may be in his possession, custody or control; or

(d) fails to deliver to the Steel Authority of India or to a person authorised by it, any assets, books of account, registers or other documents in his possession, custody or control relating to any of the undertakings of the dissolved company; or

(e) wrongfully removes or destroys any property forming part of any of the undertakings of the dissolved company; or

(f) wrongfully uses any property forming part of any of the undertakings of the dissolved company,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

18. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm means a partner in the firm.

19. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Steel Authority of India or any of its officers or other employees for anything which is in good faith done or intended.

20. Cognizance of offences.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no Court shall take cognizance of any offence under this Act except on a complaint, in writing, made by the Central Government or any officer authorised in this behalf by that Government.

21. Saving of contracts, etc.—All contracts, deeds, bonds, agreements and other instruments of whatever nature to which the dissolved company is a party subsisting or having effect immediately before the appointed day, shall as from that day be of full force and effect against, or, as the case may be, in favour of, the Steel Authority of India and may be enforced as fully and effectually as if, instead of the dissolved company, the Steel Authority of India had been a party thereto.

22. Saving of legal proceedings.—If, on the appointed day, there is pending any suit, arbitration, appeal or other legal proceeding of whatever nature by or against the dissolved company, the same shall not abate, be discontinued or be in any way prejudicially affected by reason of the transfer of the undertakings of the dissolved company or of anything contained in this Act, but the suit, arbitration, appeal or other proceeding may be continued, prosecuted and enforced by or against the Steel Authority of India in the same manner and to the same extent as it would or might have been continued, prosecuted and enforced by or against the dissolved company if this Act had not been passed.

23. Board of Directors of the Steel Authority of India to adopt accounts of dissolved company.—(1) The accounts of the dissolved company shall stand closed on the

appointed day and the balance-sheet and the profit and loss accounts for the current financial year up to the appointed day shall be prepared and audited in accordance with the provisions of the Companies Act.

(2) Notwithstanding the provisions in the Companies Act, the Board of Directors of the Steel Authority of India shall be deemed to be the Board of Directors of the dissolved company and the shareholders of the Steel Authority of India shall be deemed to be the shareholders of the dissolved company for the purpose of adoption of the accounts; directors' report and completion of other formalities in accordance with the provisions of the companies Act in this regard.

24. Transfer of documents relating to the dissolved company.—(1) The Registrar of Companies with whom the dissolved company is registered shall, as soon as may be after the appointed day, transfer all documents relating to the dissolved company to the Registrar of Companies, New Delhi.

(2) The Registrar of Companies, New Delhi, on receipt of the documents relating to the dissolved company, shall add those documents to the file maintained by him in relation to the Steel Authority of India, and shall consolidate the files relating to the dissolved company and the Steel Authority of India and the documents filed by the dissolved company shall, for the purposes of the Companies Act, be deemed to have been filed by the Steel Authority of India in relation to the business of the undertakings of the dissolved company which stands transferred to and vested in the Steel Authority of India by virtue of section 6.

25. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary, for the removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the appointed day.

26. Act to override the provisions of the laws.—The provisions of this Act or of any order made thereunder shall have effect notwithstanding anything contained in the Companies Act or in any other law for the time being in force or in any contract, express or implied, or in any rules or regulations having effect by virtue of any law other than this Act.

27. Power to amend memorandum and articles of association.—(1) For the purpose of giving effect to the provisions of this Act, the Central Government may, by notification in the Official Gazette, make amendments in the memorandum or articles of association, or both, of the Steel Authority of India.

(2) Any amendments in the memorandum or articles of association of the Steel Authority of India made in pursuance of sub-section (1) shall have effect notwithstanding anything contained in the Companies Act.

28. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Assented to on 12-12-1978.

THE PRIZE CHITS AND MONEY CIRCULATION SCHEMES (BANNING) ACT, 1978

ACT NO. 43 OF 1978

AN

ACT

to ban the promotion or conduct of prize chits and money circulation schemes and for matters connected therewith or incidental thereto.

Enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "conventional chit" means a transaction whether called chit, chit fund, *kuri* or by any other name by or under which a person responsible for the conduct of the chit enters into an agreement with a specified number of persons that every one of them shall subscribe a certain sum of money (or certain quantity of grain instead) by way of periodical instalments for a definite period and that each such subscriber shall, in his turn, as determined by lot or by auction or by tender or in such other manner as may be provided for in the chit agreement, be entitled to a prize amount.

Explanation.—In this clause "prize amount" shall mean the amount, by whatever name called, arrived at by deducting from out of the total amount paid or payable at each instalment by all the subscribers,

(i) the commission charged as service charges as a promoter or a foreman or an agent; and
(ii) any sum which a subscriber agrees to forego, from out of the total subscriptions of each instalment, in consideration of the balance being paid to him;

(b) "money" includes a cheque, postal order, demand draft, telegraphic transfer or money order;

(c) "money circulation scheme" means any scheme, by whatever name called, for the making of quick or easy money, or for the receipt of any money or valuable thing as the consideration for a promise to pay money, on any event or contingency relative or applicable to the enrolment of members into the scheme, whether or not such money or thing is derived from the entrance money of the members of such scheme or periodical subscriptions;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "prize chit" includes any transaction or arrangement by whatever name called under which a person collects whether as a promoter, foreman, agent or in any other capacity, monies in one lump sum or in instalments by way of contributions or subscriptions or by sale of units, certificates or other instruments or in any other manner or as membership fees or admission fees or service charge to or in respect of any savings, mutual benefit, thrift, or any other scheme or arrangement by whatever name called, and utilises the monies so collected or any part thereof or the income accruing from investment or other use of such monies for all or any of the following purposes, namely:—

(i) gining or awarding periodically or otherwise to a specified number of subscribers as determined by lot, draw or in any other manner, prizes or gifts in cash or in kind whether or not the recipient of the prize or gift is under a liability to make any further payment in respect of such scheme or arrangement;

(ii) refunding to the subscribers or such of them as have not won any prize or gift, the whole or part of the subscriptions, contributions or other

monies collected, with or without any bonus, premium, interest or other advantage by whatever name called, on the termination of the scheme or arrangement, or on or after the expiry of the period stipulated therein,

but does not include a conventional chit;

(f) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934 (2 of 1934).

3. *Banning of prize chits and money circulation schemes or enrolment as members or participation therein.*—No person shall promote or conduct any prize chit or money circulation scheme, or enrol as a member to any such chit or scheme, or participate in it otherwise, receive or remit any money in pursuance of such chit or scheme.

4. *Penalty for contravening the provisions of section 3.*—Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be less than one year and the fine shall not be less than one thousand rupees.

5. *Penalty for other offences in connection with prize chits or money circulation schemes.*—Whoever, with a view to the promotion or conduct of any prize chit or money circulation scheme in contravention of the provisions of this Act or in connection with any chit or scheme promoted or conducted as aforesaid,—

- (a) prints or publishes any ticket, coupon or other document for use in the prize chit or money circulation scheme; or
- (b) sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the prize chit or money circulation scheme; or
- (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the prize chit or money circulation scheme; or
 - (ii) any list, whether complete or not, of members in the prize chit or money circulation scheme; or
 - (iii) any such matter descriptive of, or otherwise relating to the prize chit or money circulation scheme, as is calculated to act as an inducement to persons to participate in that prize chit or money circulation scheme or any other prize chit or money circulation scheme; or

- (d) brings, or invites any person to send, for the purpose of sale or distribution, any ticket, coupon or other document for use in a prize chit or money circulation scheme or any advertisement of such prize chit or money circulation scheme; or
- (e) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the prize chit or money circulation scheme; or
- (f) causes or procures or attempts to procure any person to do any of the above mentioned acts,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be, less than one year and the fine shall not be less than one thousand rupees.

6. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well

as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

7. *Power to enter, search and seize.*—(1) It shall be lawful for any police officer not below the rank of an officer in charge of a police station,—

- (a) to enter, if necessary by force, whether by day or night with such assistance as he considers necessary, any premises which he has reason to suspect, are being used for purposes connected with the promotion or conduct of any prize chit or money circulation scheme in contravention of the provisions of this Act;
- (b) to search the said premises and the persons whom he may find therein;
- (c) to take into custody and produce before any Judicial Magistrate all such persons as are concerned or against whom a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the use of the said premises for purposes connected with, or with the promotion or conduct of, any such prize chit or money circulation scheme as aforesaid;
- (d) to seize all things found in the said premises which are intended to be used, or reasonably suspected to have been used, in connection with any such prize chit or money circulation scheme as aforesaid.

(2) Any officer authorised by the State Government in this behalf may—

- (a) at all reasonable times, enter into and search any premises which he has reason to suspect, are being used for the purposes connected with, or conduct of, any prize chit or money circulation scheme in contravention of the provisions of this Act;
- (b) examine any person having the control of, or employed in connection with, any such prize chit or money circulation scheme;
- (c) order the production of any documents, books or records in the possession or power of any person having the control of, or employed in connection with, any such prize chit or money circulation scheme; and
- (d) inspect and seize any register, books of accounts, documents or any other literature found in the said premises.

(3) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

8. *Forfeiture of newspaper and publication containing prize chit or money circulation scheme.*—Where any newspaper or other publication contains any material

connected with any prize chit or money circulation scheme promoted or conducted in contravention of the provisions of this Act or any advertisement in relation thereto, the State Government may, by notification in the Official Gazette, declare every copy of the newspaper and every copy of the publication containing such material or the advertisement to be forfeited to the State Government.

9. *Power to try offences.*—No court inferior to that of a Chief Metropolitan Magistrate, or as the case may be, Chief Judicial Magistrate, shall try any offence punishable under this Act.

10. *Offences under this Act to be cognizable.*—All offences punishable under this Act shall be cognizable.

11. *Act not to apply to certain prize chits or money circulation schemes.*—Nothing contained in this Act shall apply to any prize chit or money circulation scheme promoted by—

- (a) a State Government or any officer or authority on its behalf; or
- (b) a company wholly owned by a State Government which does not carry on any business other than the conducting of a prize chit or money circulation scheme: whether it is in the nature of a conventional chit or otherwise; or
- (c) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (10 of 1949) or a banking institution notified by the Central Government under section 51 of that Act or the State Bank of India constituted under section 3 of the State Bank of India Act, 1955 (23 of 1955) or a subsidiary bank constituted under section 3 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), or a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970), or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or a co-operative bank as defined in clause (vii) of section 2 of the Reserve Bank of India Act, 1934 (2 of 1934); or
- (d) any charitable or educational institution notified in this behalf by the State Government, in consultation with the Reserve Bank.

12. *Transitional Provisions.*—(1) Notwithstanding anything contained in this Act, a person conducting a prize chit or money circulation scheme at the commencement of this Act may continue to conduct such chit or scheme for such period as may be necessary for the winding up of the business relating to such chit or scheme, so however that such period shall not in any case extend beyond a period of two years from such commencement:

Provided that the said person shall furnish to the State Government or to such officer as may be authorised by it in this behalf and to such officer of the Reserve Bank as may be prescribed in such form and within such period as may be prescribed, full information regarding the chit or scheme along with a winding up plan prepared in accordance with the provisions of any rules that may be made by the State Government in this behalf under this Act:

Provided further that if the State Government is satisfied, on an application made by the person conducting the prize chit or money circulation scheme, that the chit or scheme cannot be wound up within the period fixed in the winding up plan furnished to the State Government under the foregoing proviso, it may, in consultation with the Reserve Bank, permit such person to continue to conduct the business relating to the said chit or scheme for such further period as may be considered necessary having regard to the circumstances of the case and the interests of the members of the said chit or scheme.

(2) The State Government may, in consultation with the Reserve Bank, approve the winding up plan furnished under sub-section (1) with or without modifications or reject the same and may grant or refuse to grant permission to continue to conduct that chit or scheme:

Provided that no such winding up plan shall be modified or rejected without giving an opportunity of being heard to the person who conducts such prize chit or money circulation scheme.

(3) If any person fails to furnish full information regarding the said chit or scheme along with its winding up plan in the form and within the period prescribed, he shall forfeit his right to continue the business relating to the said chit or scheme on the expiry of such period.

(4) Notwithstanding anything to the contrary contained in any agreement or arrangement entered into between any person conducting any such chit or scheme and the subscriber, the person conducting the chit or scheme shall, within such period as may be prescribed, refund the monies or the subscriptions collected till the date of default referred to in sub-section (3).

(5) If any person fails to comply with the provisions of sub-section (4), he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to three thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, the imprisonment shall not be less than one year and the fine shall not be less than one thousand rupees.

13. *Power to make rules.*—(1) The State Government may, by notification in the Official Gazette and in consultation with the Reserve Bank, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the office of the Reserve Bank to whom full information regarding any prize chit or money circulation scheme may be furnished under the first proviso to sub-section (1) of section 12, and the form in which and the period within which such information may be furnished;
- (b) the particulars relating to the winding up plan of the business relating to prize chits or money circulation schemes.

14. *Repeals and saving.*—(1) The Andhra Pradesh Money Circulation Scheme (Prohibition) Act, 1965, (Andhra Pradesh Act 30 of 1965), as in force in the State of Andhra Pradesh, and in the Union territory of Chandigarh and the Madhya Pradesh Dhan Parishalan Scheme (Pratishedh) Adhiniyam, 1975, (Madhya Pradesh Act 19 of 1975), are hereby repealed.

(2) Notwithstanding the repeal of any Act referred to in sub-section (1), anything done or any action taken under the provisions of any such Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the provisions of this Act as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under this Act.

Assented to on 12-12-78.

THE WATER (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT ACT, 1978 (ACT No. 44 of 1978)

AN
ACT

to amend the Water (Prevention and Control of Pollution) Act, 1974.

Whereas, in pursuance of clause (1) of article 252 of the Constitution, the Water (Prevention and Control of Pollution) Act, 1974, had been passed by Parliament;

And whereas from the practical experience gained in the working of the aforesaid Act it is considered necessary to make certain amendments thereto;

And whereas, in pursuance of clause (1) of article 252 of the Constitution read with clause (2) thereof, resolutions have been passed by the Legislative Assemblies of the States of Assam, Haryana and West Bengal to the effect that the said Act should be amended by an Act of Parliament for the purposes hereinafter appearing;

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title, application and commencement.*—(1) This Act may be called the Water (Prevention and Control of Pollution) Amendment Act, 1978.

(2) It applies, in the first instance, to the whole of the States of Assam, Haryana and West Bengal and the Union territories; and it shall apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution read with clause (2) thereof.

(3) It shall come into force at once in the States of Assam, Haryana and West Bengal and the Union territories, and in any other State which adopts this Act under clause (1) of article 252 of the Constitution read with clause (2) thereof on the date of such adoption and any reference in section 22 of this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

2. *Amendment of section 2.*—In section 2 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) (hereinafter referred to as the principal Act),—

- (a) after clause (d), the following clause shall be inserted, namely:—
“(dd) ‘outlet’ includes any conduit pipe or channel, open or closed, carrying sewage or trade effluent or any other holding arrangement which causes, or is likely to cause, pollution;”
- (b) after clause (g), the following clause shall be inserted, namely:—
“(gg) ‘sewer’ means any conduit pipe or channel, open or closed, carrying sewage or trade effluent;”

3. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (2),—

- (a) in clause (a), for the words “matters relating to the use and conservation of water resources or the prevention and control of water pollution”, the words “matters relating to environmental protection” shall be substituted;
- (b) in clause (b), for the words “five officials”, the words “such number of officials, not exceeding five,” shall be substituted;
- (c) in clause (d), for the words “three non-officials”, the words “such number of non-officials, not exceeding three,” shall be substituted;
- (d) in clause (f), for the words “and having administrative experience”, the words “and having practical experience in respect of matters relating to environmental protection” shall be substituted.

4. *Amendment of section 4.*—In section 4 of the principal Act,—

- (a) in sub-section (1), the brackets and words “(being a date not later than six months of the commencement of this Act in the State)” shall be omitted and shall be deemed always to have been omitted;
- (b) in sub-section (2),—
(i) in clause (a),—
(1) the word “full-time” shall be omitted;
- (2) for the words “matters relating to the use and conservation of water resources or the prevention and control of water pollution”, the words “matters

relating to environmental protection” shall be substituted;

(3) the following proviso shall be inserted at the end namely:—

“Provided that the chairman may be either whole-time or part-time as the State Government may think fit;”

- (ii) in clause (b), for the words “five officials”, the words “such number of officials, not exceeding five,” shall be substituted;
- (iii) in clause (c), for the words “five persons” the words “such number of persons, not exceeding five,” shall be substituted;
- (iv) in clause (d), for the words “three non-officials”, the words “such number of non-officials, not exceeding three,” shall be substituted;
- (v) in clause (f), for the words “and having administrative experience”, the words “and having practical experience in matters relating to environmental protection” shall be substituted.

5. *Amendment of section 5.*—In section 5 of the principal Act,

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The term of office of a member of a Board nominated under clause (b) or clause (e) of sub-section (2) of section 3 or clause (b) or clause (e) of sub-section (2) of section 4 shall come to an end as soon as he ceases to hold the office under the Central Government or the State Government or, as the case may be, the company or corporation owned, controlled or managed by the Central Government or the State Government, by virtue of which he was nominated.”

- (b) in sub-section (5), for the words, brackets, letters and figures “or where he is nominated under clause (c) of sub-section (2) of section 3 or under clause (c) of sub-section (2) of section 4, if he ceases to be a member of the State Board, or as the case may be, of the local authority”, the following shall be substituted, namely:—
“or where he is nominated under clause (c) or clause (e) of sub-section (2) of section 3 or under clause (c) or clause (e) of sub-section (2) of section 4, if he ceases to be a member of the State Board or of the local authority or, as the case may be, of the company or corporation owned, controlled or managed by the Central Government or the State Government and such vacation of seat shall, in either case, take effect from such date as the Central Government or, as the case may be, the State Government may, by notification in the Official Gazette, specify”.

6. *Amendment of section 10.*—In section 10 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) A person associated with the Board under sub-section (1) for any purpose shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board, as may be prescribed.”

7. *Insertion of new section 11A.*—After section 11 of the principal Act, the following section shall be inserted, namely:—

“11A. *Delegation of powers to Chairman.*—The chairman of a Board shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him, by the Board.”

8. *Amendment of section 12.*—In section 12 of the principal Act,—

- (a) in sub-section (3), the words “and the rules so

made may provide for the salaries and allowances and other terms and conditions of service of such officers and employees" shall be omitted;

- (b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) The method of recruitment and the terms and conditions of service (including the scales of pay) of the officers (other than the member-secretary) and other employees of the Central Board or a State Board shall be such as may be determined by regulations made by the Central Board or, as the case may be, by the State Board:

Provided that no regulation made under this sub-section shall take effect unless,—

- (a) in the case of a regulation made by the Central Board, it is approved by the Central Government; and
(b) in the case of a regulation made by a State Board, it is approved by the State Government.”.

9. *Amendment of section 14.*—In section 14 of the principal Act,—

- (a) in sub-section (1),—

- (i) in clause (a), for the words “matters relating to the use and conservation of water resources or the prevention and control of water pollution”, the words “matters relating to environmental protection” shall be substituted;
(ii) in clause (f), for the words “and having administrative experience”, the words “and having practical experience in respect of matters relating to environmental protection” shall be substituted;

- (b) in sub-section (2),—

- (i) in clause (a), for the words “matters relating to the use and conservation of water resources or the prevention and control of water pollution”, the words “matters relating to environmental protection” shall be substituted;
(ii) in clause (f), for the words “and having administrative experience”, the words “and having practical experience in respect of matters relating to environmental protection” shall be substituted.

10. *Amendment of section 21.*—In section 21 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) When a sample of any sewage or trade effluent is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3) and the occupier or his agent wilfully absents himself, then,—

- (a) the sample so taken shall be placed in a container which shall be marked and sealed and shall also be signed by the person taking the sample and the same shall be sent forthwith by such person for analysis to the laboratory referred to in sub-clause (i) or sub-clause (ii), as the case may be, of clause (e) of sub-section (3) and such person shall inform the Government analyst appointed under sub-section (1) or sub-section (2), as the case may be, of section 53, in writing about the wilful absence of the occupier or his agent; and
(b) the cost incurred in getting such sample analysed shall be payable by the occupier or his agent and in case of default of such payment, the same shall be recoverable from the occupier or his agent, as the case may be, as an arrear of land revenue or of public demand:

Provided that no such recovery shall be made unless the occupier or, as the case may be, his agent has been given a reasonable opportunity of being heard in the matter.”.

11. *Amendment of section 23.*—In section 23 of the principal Act, in sub-section (2),

- (a) for the words and figures “the Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted;
(b) for the word and figures “section 98”, the word and figures “section 94” shall be substituted.

12. *Amendment of section 25.*—In section 25 of the principal Act,—

- (a) in sub-section (1), for the words “stream or well” at both the places where they occur, the words “stream or well or sewer or on land” shall be substituted;
(b) in sub-section (2), after the words, brackets and figure “under sub-section (1)”, the words “shall be accompanied with such fees as may be prescribed and” shall be inserted;
(c) in sub-section (4), in clause (a); for the words “stream or well”, the words “stream or well or sewer or on land” shall be substituted;
(d) in sub-section (5), for the words “stream or well, or” the words “stream or well or sewer or on land” shall be substituted.

13. *Amendment of section 26.*—In section 26 of the principal Act,

- (a) for the words “stream or well”, the words “stream or well or sewer or on land” shall be substituted;
(b) for the words “shall be made within a period of three months of the constitution of the State Board”, the words “shall be made on or before such date as may be specified by the State Government by notification in this behalf in the Official Gazette” shall be substituted.

14. *Amendment of section 27.*—In section 27 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) A State Board may from time to time review—

- (a) any condition imposed under section 25 (other than a condition to be satisfied before an outlet is brought into use or a new discharge is made), or section 26 and may serve on the person using the outlet or making the discharge, as the case may be, a notice, making any reasonable variation of or revoking any such condition;
(b) the refusal of any consent referred to in sub-section (1) of section 25 or section 26 or the grant of such consent without any condition, and may make such orders as it deems fit.”.

15. *Amendment of section 28.*—In section 28 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) An appellate authority shall consist of a single person or three persons, as the State Government may think fit, to be appointed by that Government.”.

16. *Amendment of section 36.*—In section of the principal Act,—

- (a) in sub-section (1), after the word “benefactions”, the word “, fees” shall be inserted;
(b) in sub-section (2), after the words “under this Act”, the words “and” where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the Central Board, also for performing its functions under such law” shall be inserted.

17. *Amendment of section 37.*—In section 37 of the principal Act,—

- (a) in sub-section (1), after the word “benefactions”, the word “fees” shall be inserted;
- (b) in sub-section (2), after the words “under this Act”, the words “and, where any law for the time being in force relating to the prevention, control or abatement of air pollution provides for the performance of any function under such law by the State Board, also for performing its functions under such law” shall be inserted.

18. *Amendment of section 39.*—In section 39 of the principal Act, in sub-section (1) for the words “six months”, the words “nine months” shall be substituted.

19. *Amendment of section 49.*—In section 49 of the principal Act,—

- (a) in sub-section (1), for the words “Presidency Magistrate or a Magistrate”, the words “Metropolitan Magistrate or a Judicial Magistrate” shall be substituted;
- (b) in sub-section (2),—
 - (i) for the words and figures “section 32 of the Code of Criminal Procedure, 1898 (5 of 1898)”, the words and figures “section 29 of the Code of Criminal Procedure, 1973 (2 of 1974)” shall be substituted;
 - (ii) for the words “Magistrate of the first class or for any Presidency Magistrate”, the words “Judicial Magistrate of the first class or for any Metropolitan Magistrate” shall be substituted.

20. *Amendment of section 63.*—In section 63 of the principal Act,—

- (a) in sub-section (2),—
 - (i) for clause (d), the following clause shall be substituted, namely:—

“(d) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 10 and the fees and allowances payable to such persons.”;
 - (ii) clauses (h) and (i) shall be omitted;
- (b) in sub-section (3), for the words “before the expiry of the session in which it is so laid or the successive sessions aforesaid”, the words “before the expiry of the session immediately following the session or the successive sessions aforesaid” shall be substituted.

21. *Amendment of section 64.*—In section 64 of the principal Act, in clause (d) of sub-section (2), the words “and the fees and allowances payable to such persons” shall be inserted at the end.

22. *Validation.*—Notwithstanding anything contained in section 4 of the principal Act, as it stood immediately before the commencement of this Act, every State Board for the prevention and control of water pollution constituted under that section after the expiry of a period of six months of the commencement of the principal Act in the State concerned, shall be deemed to have been validly constituted and accordingly anything done or any action taken by such State Board before the commencement of this Act shall be deemed to have been validly done or taken and no such thing or action shall be called in question in any court merely on the ground that such State Board was constituted after the expiry of the period specified therefor under the said section 4.

Assented to on 18-12-1978.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1978

(ACT No. 45 OF 1978)

AN
ACT

further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Code of Criminal Procedure (Amendment) Act, 1978.

2. *Amendment of section 2.*—In the Code of Criminal Procedure, 1973 (2 of 1974) (hereinafter referred to as the principal Act), in section 2, in clause (j), the words “and such local area may comprise the whole of the State, or any part of the State, as the State Government may, by notification, specify” shall be inserted at the end.

3. *Amendment of section 11.*—In section 11 of the principal Act, to sub-section (1), the following proviso shall be added, namely:—

“Provided that the State Government may, after consultation with the High Court, establish, for any local area, one or more Special Courts of Judicial Magistrates of the first class or of the second class to try any particular case or particular class of cases, and where any such special Court is established, no other court of Magistrate in the local area shall have jurisdiction to try any case or class of cases for the trial of which such Special Court of Judicial Magistrate has been established.”

4. *Amendment of section 13.*—In section 13 of the principal Act,—

- (i) in sub-section (1) for the words “of the second class, in respect to particular cases or to particular classes of cases or to cases generally, in any district, not being a metropolitan area”, the words “of the first class, or of the second class, in respect to particular cases or to particular classes of cases, in any local area, not being a metropolitan area” shall be substituted;
- (ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The High Court may empower a Special Judicial Magistrate to exercise the powers of a Metropolitan Magistrate in relation to any metropolitan area outside his local jurisdiction.”

5. *Amendment of section 14.*—In section 14 of the principal Act,—

- (a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that the Court of a Special Judicial Magistrate may hold its sitting at any place within the local area for which it is established.”

- (b) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Where the local jurisdiction of a Magistrate, appointed under section 11 or section 13 or section 18, extends to an area beyond the district, or the metropolitan area, as the case may be, in which he ordinarily holds Court, any reference in this Code to the Court of Session, Chief Judicial Magistrate or the Chief Metropolitan Magistrate shall, in relation to such Magistrate, throughout the area within his local jurisdiction, be construed, unless the context otherwise requires, as a reference to the Court of Session, Chief Judicial Magistrate,

or Chief Metropolitan Magistrate, as the case may be, exercising jurisdiction in relation to the said district or metropolitan area."

6. *Amendment of section 18.*—In section 18 of the principal Act,—

(i) in sub-section (1), the words "or to cases generally" shall be omitted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The High Court or the State Government, as the case may be, may empower any Special Metropolitan Magistrate to exercise, in any local area outside the metropolitan area, the powers of a Judicial Magistrate of the first class."

7. *Amendment of section 20.*—In section 20 of the principal Act, in sub-section (2),—

(a) for the words "all or any", the word "such" shall be substituted;

(b) after the words "inforce", the words "as may be directed by the State Government" shall be inserted.

8. *Substitution of new section for section 24.*—For section 24 of the principal Act, the following section shall be substituted, namely:—

"24. *Public Prosecutors.*—(1) For every High Court, the Central Government or the State Government shall, after consultation with the High Court, appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors, for conducting in such Court, any prosecution, appeal or other proceeding on behalf of the Central Government or State Government as the case may be.

(2) The Central Government may appoint one or more Public Prosecutors for the purpose of conducting any case or class of cases in any district, or local area.

(3) For every district, the State Government shall appoint a Public Prosecutor and may also appoint one or more Additional Public Prosecutors for the district:

Provided that the Public Prosecutor or Additional Public Prosecutor appointed for one district may be appointed also to be a Public Prosecutor or an Additional Public Prosecutor, as the case may be, for another district.

(4) The District Magistrate shall, in consultation with the Sessions Judge, prepare a panel of names of persons, who are, in his opinion fit to be appointed as Public Prosecutors or Additional Public Prosecutors for the district.

(5) No person shall be appointed by the State Government as the Public Prosecutor or Additional Public Prosecutor for the district unless his name appears in the panel of names prepared by the District Magistrate under sub-section (4).

(6) Notwithstanding anything contained in sub-section (5), wherein a State there exists a regular Cadre of Prosecuting Officers, the State Government shall appoint a Public Prosecutor or an Additional Public Prosecutor only from among the persons constituting such Cadre:

Provided that where, in the opinion of the State Government, no suitable person is available in such Cadre for such appointment that Government may appoint a person as Public Prosecutor or Additional Public Prosecutor, as the case may be, from the panel of names prepared by the District Magistrate under sub-section (4).

(7) A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years.

(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor.

(9) For the purposes of sub-section (7) and sub-section (8) the period during which a person has been in practice as a pleader, or has rendered (whether before or after the commencement of this Code) service as a Public Prosecutor or as an Additional Public Prosecutor or Assistant Public Prosecutor or other Prosecuting Officer, by whatever name called, shall be deemed to be the period during which such person has been in practice as an advocate."

9. *Amendment of section 25.*—In section 25, of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The Central Government may appoint one or more Assistant Public Prosecutors for the purpose of conducting any case or class of cases in the Courts of Magistrates."

10. *Amendment of section 102.*—In section 102 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every police officer acting under sub-section (1) shall forthwith report the seizure to the Magistrate having jurisdiction and where the property seized is such that it cannot be conveniently transported to the Court, he may give custody thereof to any person on his executing a bond undertaking to produce the property before the Court as and when required and to give effect to the further orders of the Court as to the disposal of the same."

11. *Amendment of section 107.*—In section 107 of the principal Act, in sub-section (1), after the words "ordered to execute a bond," the words "with or without sureties," shall be inserted.

12. *Amendment of section 123.*—In section 123 of the principal Act,—

(i) in sub-section (1), for the words "the Chief Judicial Magistrate", the words and figures "the District Magistrate in the case of an order passed by an Executive Magistrate under section 117, or the Chief Judicial Magistrate in any other case" shall be substituted;

(ii) in sub-sections (2), (5), (6), (7) and (9), for the words "Chief Judicial Magistrate", wherever they occur the words and figures "District Magistrate, in the case of an order passed by an Executive Magistrate under section 117, or the Chief Judicial Magistrate in any other case" shall be substituted.

13. *Amendment of section 167.*—In section 167 of the principal Act, in the proviso to sub-section (2),—

(a) for paragraph (a), the following paragraph shall be substituted, namely:—

"(a) the Magistrate may authorise the detention of the accused person, otherwise than in the custody of the police, beyond the period of fifteen days; if he is satisfied that adequate grounds exist for doing so, but no Magistrate shall authorise the detention of the accused person in custody under this paragraph for a total period exceeding,—

(i) ninety days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years;

(ii) sixty days, where the investigation relates to any other offence,

and, on the expiry of the said period of ninety days, or sixty days, as the case may be, the accused person shall be released on bail if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed

to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter;";

(b) the Explanation shall be numbered as *Explanation II*, and before *Explanation II*, as so numbered, the following Explanation shall be inserted, namely:—

"*Explanation I*.—for the avoidance of doubts, it is hereby declared that, notwithstanding the expiry of the period specified in paragraph (a), the accused shall be detained in custody so long as he does not furnish bail."

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of a sub-inspector, may, where a Judicial Magistrate is not available, transmit to the nearest Executive Magistrate, on whom the powers of a Judicial Magistrate or Metropolitan Magistrate have been conferred, a copy of the entry in the diary hereinafter prescribed relating to the case, and shall, at the same time, forward the accused to such Executive Magistrate, and thereupon such Executive Magistrate, may, for reasons to be recorded in writing, authorise the detention of the accused person in such custody, as he may think fit for a term not exceeding seven days in the aggregate; and, on the expiry of the period of detention so authorised, the accused person shall be released on bail except where an order for further detention of the accused person has been made by a Magistrate competent to make such order; and, where an order for such further detention is made, the period during which the accused person was detained in custody under the orders made by an Executive Magistrate under this sub-section, shall be taken into account in computing the period specified in paragraph (a) of the proviso to sub-section (2):

Provided that before the expiry of the period aforesaid, the Executive Magistrate shall transmit to the nearest Judicial Magistrate the records of the case together with a copy of the entries in the diary relating to the case which was transmitted to him by the officer in charge of the police station or the police officer making the investigation, as the case may be."

14. *Amendment of section 167 to apply to pending investigations.*—The provisions of section 167 of the principal Act, as amended by this Act, shall apply to every investigation pending immediately before the commencement of this Act, if the period of detention of the accused person, otherwise than in the custody of the police, had not, at such commencement, exceeded sixty days.

15. *Amendment of section 182.*—In section 182 of the principal Act, in sub-section (2), after the words "by the first marriage", the words "or the wife by the first marriage has taken up permanent residence after the commission of the offence" shall be inserted.

16. *Amendment of section 196.*—In section 196 of the principal Act, in sub-section (2), for the words "a cognizable offence", the words "an offence" shall be substituted.

17. *Amendment of section 198.*—In section 198 of the principal Act, in paragraph (c) of the proviso to sub-section (1),—

(i) for the word and figures "section 494", the words and figures "section 494 or section 495" shall be substituted;

(ii) after the words "mother's brother or sister", the words "or, with the leave of the Court, by any other person related to her by blood, marriage or adoption" shall be inserted.

18. *Amendment of section 206.*—In section 206 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:

"(3) The State Government may, by notification, specially empower any Magistrate to exercise the powers conferred by sub-section (1) in relation to any offence which is compoundable under section 320 or any offence punishable with imprisonment for a term not exceeding three months, or with fine, or with both where the Magistrate is of opinion that, having regard to the facts and circumstances of the case, the imposition of fine only would meet the ends of justice."

19. *Amendment of section 209.*—In section 209 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) commit, after complying with the provisions of section 207 or section 208, as the case may be, the case to the Court of Session, and subject to the provisions of this Code relating to bail, remand the accused to custody until such commitment has been made;"

20. *Amendment of section 276.*—In section 276 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Such evidence shall ordinarily be taken down in the form of a narrative, but the presiding Judge may, in his discretion, take down, or cause to be taken down, any part of such evidence in the form of question and answer."

21. *Amendment of section 293.*—In section 293 of the principal Act, in clause (e) of sub-section (4), after the word "Director", the words "Deputy Director or Assistant Director" shall be inserted.

22. *Amendment of section 297.*—In section 297 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) any Judge or any Judicial or Executive Magistrate, or."

23. *Amendment of section 299.* In section 299 of the principal Act, in sub-section (1), after the words "competent to try", the words "or commit for trial," shall be inserted.

24. *Amendment of section 309.*—In section 309 of the principal Act, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that no adjournment shall be granted for the purpose only of enabling the accused person to show cause against the sentence proposed to be imposed on him."

25. *Amendment of section 320.*—In section 320 of the principal Act, in the Table under sub-section (1), in column 1; for the word "Defamation", the words, figures and brackets "Defamation, except such cases as are specified against section 500 of the Indian Penal Code (45 of 1860) in column 1 of the Table under sub-section (2)" shall be substituted.

26. *Amendment of section 323.*—In section 323 of the principal Act, the following shall be inserted at the end, namely:—

"and thereupon the provisions of Chapter XVIII shall apply to the commitment so made."

27. *Amendment of section 326.*—In section 326 of the principal Act,—

(i) in sub-section (1), for the word "Magistrate", wherever it occurs, the words "Judge or Magistrate" shall be substituted;

(ii) in sub-section (2), for the words "from one Magistrate to another Magistrate", the words "from one Judge to another Judge or from one Magistrate to another Magistrate" shall be substituted.

28. *Amendment of section 374.*—In section 374 of the principal Act, in sub-section (2), for the words "has been passed", the words "has been passed against him or against any other person convicted at the same trial" shall be substituted.

29. *Amendment of section 377.*—In section 377 of the principal Act, in sub-section (2), for the words "the Central Government may direct", the words "the Central Government may also direct" shall be substituted.

30. *Amendment of section 378.*—In section 378 of the principal Act, in sub-section (1), the following shall be inserted at the end, namely:—

"or an order of acquittal passed by the Court of Session in revision".

31. *Amendment of section 428.* In section 428 of the principal Act, after the words "sentenced to imprisonment for a term", the words "not being imprisonment in default of payment of fine," shall be inserted.

32. *Insertion of new section 433A.* After section 433 of the principal Act, the following section shall be inserted, namely:—

"433A. *Restriction on powers of remission or commutation in certain cases.*—Notwithstanding anything contained in section 432, where a sentence of imprisonment for if is imposed on conviction of a person for an offence for which death is one of the punishments provided by law, or where a sentence of death imposed on a person has been commuted under section 433 into one of imprisonment for life, such person shall not be released from prison unless he had served at least fourteen years of imprisonment."

33. *Amendment of section 468.*—In section 468 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) For the purposes of this section, the period of limitation, in relation to offences which may be tried together, shall be determined with reference to the offence which is punishable with the more severe punishment or, as the case may be, the most severe punishment."

34. *Amendment of section 478.* In section 478 of the principal Act,

(i) for the words "State Legislature", the words "Legislative Assembly of a State" shall be substituted;

(ii) for the word "requires", the word "permits" shall be substituted.

35. *Amendment of the Second Schedule.*—In the Second Schedule to the principal Act,—

(i) in Form No. 34,—

(a) in the heading, for the word "Magistrate", the word "Court" shall be substituted;

(b) for the brackets, words and figures "(See sections 248 and 255)", the brackets, words and figures "(See sections 235, 248 and 255)" shall be substituted;

(ii) in Form No. 41, for the brackets, words and figures "(See section 386)", the brackets, words and figures "(See sections 386, 413 and 416)" shall be substituted;

(iii) in Form No. 42, for the brackets, words and figures "(See section 414)" the brackets, words and figures "(See sections 413 and 414)" shall be substituted;

(iv) after Form No. 44, the following Form shall be inserted, namely:—

"FORM NO. 44A

BOND FOR APPEARANCE OF OFFENDER RELEASED PENDING REALISATION OF FINE

[See section 424 (1) (b)]

WHEREAS I, (name), inhabitant of (Place), have been sentenced to pay a fine of rupees _____ and in default of payment thereof to undergo imprisonment for _____; and whereas the Court has been pleased to order my release on condition of my executing a bond for my appearance on the following date (or dates), namely:—

I hereby bind myself to appear before the Court of at _____ o'clock on the following date (or dates), namely: _____ and, in case of making default herein, I bind myself to forfeit to Government the sum of rupees _____

Dated, this _____ day of _____, 19 _____ (Signature).

WHEREA BOND WITH SURETIES IS TO BE EXECUTED, ADD—

We do hereby declare ourselves sureties for the above-named that he will appear before the Court of on the following date (or dates) namely:—

and, in case of his making default therein, we bind ourselves jointly and severally to forfeit to Government the sum of rupees _____

(Signature).";

(v) after Form No. 46, the following Forms shall be inserted, namely:—

"FORM NO. 47

WARRANT OF ATTACHMENT TO ENFORCE A BOND (See section 446)

To the Police Officer incharge of the police station at _____

WHEREAS (name, description and address of person) has failed to appear on (mention the occasion) pursuant to his recognizance, and has by default forfeited to Government the sum of rupees (the penalty in the bond); and whereas the said (name of person) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorise and require you to attach any movable property of the said (name) that you may find within the district of _____, by seizure and detention, and, if the said amount be not within _____ days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Dated, this _____ day of _____, 19 _____ (Seal of the Court) (Signature).

FORM NO. 48

NOTICE TO SURETY ON BREACH OF A BOND

(See section 446)

To _____
9
WHEREAS on the _____ day of _____, 19 _____ you became surety for (name) of (place) that he should appear before this Court on the _____ day of _____ and bound yourself in default thereof or to forfeit the sum of rupees _____ to Government; and whereas the said (name) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees _____;

You are hereby required to pay the said penalty or show cause, within _____ days from this date, why payment of the said sum should not be enforced against you.

Dated, this _____ day of _____, 19 _____ (Seal of the Court) (Signature).

FORM NO. 49

NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR
(see section 446)
OF

To
Whereas on the..... day of..... 19..... you became surety by a bond for (name) of (Place) that he would be of good behaviour for the period of..... and bound yourself in default thereof to forfeit the sum of rupees..... to Government; and whereas the said (name) has been convicted of the offence of (mention the offence concisely) committed since you became such surety, whereby your security bond has become forfeited;

You are hereby required to pay the said penalty of rupees..... or to show cause within..... days why it should not be paid.

Dated this..... day of..... 19.....
Seal of the Court (Signature).

FORM NO. 50

WARRANT OF ATTACHMENT AGAINST A SURETY
(See section 446)

To of

Whereas (name, description and address) has bound himself as surety for the appearance of (mention the condition of the bond) and the said (name) has made default, and thereby forfeited to Government the sum of rupees (the penalty in the bond);

This is to authorise and require you to attach any movable property of the said (name) which you may find within the district of..... by seizure and detention; and, if the said amount be not paid within days, to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Dated, this..... day of..... 19.....
(Seal of the Court) (Signature).

FORM NO. 51

WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BALE
(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at.

Whereas (name and description of surety) has bound himself as a surety for the appearance of (state the condition of the bond) and the said (name) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Government; and whereas the said (name of surety) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of his movable property, and an order has been made for his imprisonment in the Civil Jail for (specify the period);

This is to authorise and require you, the said Superintendent (or Keeper) to receive the said (name) into your custody with this warrant and to keep him safely in the said Jail for the said (term of imprisonment), and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this..... day of..... 19.....
(Seal of the Court) (Signature).

FORM NO. 52

NOTICE TO THE PRINCIPAL OF FORFEITURE OF BOND TO KEEP THE PEACE
(See section 446)

To (name, description and address)

Whereas on the..... day of..... 19..... you entered into a bond not to commit etc., (as in the bond), and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees..... or to show cause before me within days why payment of the same should not be enforced against you.

Dated, this..... day of..... 19.....
(Seal of the Court) (Signature).

FORM NO. 53

WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE
(See section 446)

To (name and designation of police officer), at the police station of

Whereas (name and description) did, on the day of..... 19..... enter into a bond for the sum of rupees..... binding himself not to commit a breach of the peace, etc., (as in the bond), and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure, movable property belonging to the said (name) to the value of rupees....., which you may find within the district of....., and, if the said sum be not paid within..... to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

Dated, this..... day of..... 19.....
(Seal of the Court) (Signature).

FORM NO. 54

WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE
(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at

Whereas proof has been given before me and duly recorded that (name and description) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Government the sum of rupees.....; and whereas the said (name) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (name) in the Civil Jail for the period of (term of imprisonment);

This is to authorise and require you, the said Superintendent (or Keeper) of the said Civil Jail to receive the said (name) into your custody, together with this warrant.

and to keep him safely in the said Jail for the said period of (term of imprisonment), and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19

(Seal of the Court)

(Signature).

FORM NO. 55

WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR

(See section 446)

To the police officer in charge of the police station at

Whereas (name, description and address) did, on the day of , 19 , give security by bond in the sum of rupees for the good behaviour of (name, etc., of the principal), and proof has been given before me and duly recorded of the commission by the said (name) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said (name) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure-movable property belonging to the said (name) to the value of rupees which you may find within the district of and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Dated, this day of , 19

(Seal of the Court)

(Signature).

FORM NO. 56

WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR

(See section 446)

To the Superintendent (or Keeper) of the Civil Jail at

Whereas (name, description and address) did, on the day of , 19 , give security by bond in the sum of rupees for the good behaviour of (name, etc., of the principal) and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (name) has forfeited to Government the sum of rupees , and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (name) in the Civil Jail for the period of (term of imprisonment);

This is to authorise and require you, the Superintendent (or Keeper), to receive the said (name) into your custody, together with this warrant, and to keep him safely in the said Jail for the said period of (term of imprisonment), returning this warrant with an endorsement certifying the manner of its execution.

Dated, this day of , 19

(Seal of the Court)

(Signature)."

Assented to on 26-12-1978.

THE SUPPRESSION OF IMMORAL TRAFFIC IN WOMEN AND GIRLS (AMENDMENT) ACT, 1978

(ACT NO. 46 OF 1978)

AN

ACT

to amend the Suppression of Immoral Traffic in Women and Girls Act, 1956.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956) (hereinafter referred to as the principal Act), in section 2,—

(a) in clause (a), after the word "room", in both the places where it occurs, the word "conveyance" shall be inserted;

(b) after clause (a), the following clause shall be inserted, namely:—

"(aa) "corrective institution" means an institution, by whatever name called (being an institution established or licensed as such under section 21), in which women and girls, who are in need of correction, may be detained under this Act, and includes a shelter where female undertrials may be kept in pursuance of this Act;";

(c) for clause (c), the following clause shall be substituted, namely:—

"(c) "magistrate" means a magistrate specified in the second column of the Schedule as being competent to exercise the powers conferred by the section in which the expression occurs and which is specified in the first column of the Schedule;";

(d) clause (e) shall be omitted;

(e) for clauses (f) and (g), the following clauses shall be substituted, namely:—

"(f) "prostitution" means the act of a female offering her body for promiscuous sexual intercourse for hire, whether in money or in kind, and whether offered immediately or otherwise, and the expression "prostitute" shall be construed accordingly;

(g) "protective home" means an institution, by whatever name called (being an institution established or licensed as such under section 21), in which women and girls, who are in need of care and protection, may be kept under this Act, but does not include—

(i) a shelter where female undertrials may be kept in pursuance of this Act, or

(ii) a corrective institution;".

3. *Insertion of new section 2A.*—After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. *Rule of construction regarding enactments not extending to Jammu and Kashmir.*—Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State."

4. *Amendment of section 4.*—In section 4 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Where any person over the age of eighteen years is proved—

- (a) to be living with, or to be habitually in the company of, a prostitute; or
- (b) to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that such person is aiding, abetting or compelling her prostitution; or
- (c) to be acting as a tout or pimp on behalf of a prostitute,

it shall be presumed, until the contrary is proved, that such person is knowingly living on the earnings of prostitution of another person within the meaning of sub-section (1).”

5. *Amendment of section 7.*—In section 7 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Any woman or girl, who carries on prostitution and the person with whom such prostitution is carried on, in any premises—

- (a) which are within the area or areas, notified under sub-section (3), or
- (b) which are within a distance of two hundred metres of any place of public religious worship, educational institution, hostel, hospital, nursing home or such other public place of any kind as may be notified in this behalf by the Commissioner of Police or magistrate in the manner prescribed,

shall be punishable with imprisonment for a term which may extend to three months.”;

(b) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The State Government may, having regard to the kinds of persons frequenting any area or areas in the State, the nature and the density of population therein and other relevant considerations, by notification in the Official Gazette, direct that prostitution shall not be carried on in such area or areas as may be specified in the notification.

(4) Where a notification is issued under sub-section (3) in respect of any area or areas, the State Government shall define the limits of such area or areas in the notification with reasonable certainty.

(5) No such notification shall be issued so as to have effect from a date earlier than the expiry of a period of ninety days after the date on which it is issued.”

6. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (1), for the words “having the custody, charge or care of any woman or girl”, the words “having the custody, charge or care of, or a position of authority over, any woman or girl” shall be substituted.

7. *Substitution of new sections for section 10.*—For section 10 of the principal Act, the following sections shall be substituted, namely:—

“10. *Release on probation of good conduct or after due admonition.*—(1) A person convicted for the first time of any offence under section 7 or section 8 may, having regard to his age, character, antecedents and the circumstances in which the offence was committed, be released by the court before which he is convicted, on probation

of good conduct,—

(a) in a case arising in an area where the Probation of Offenders Act, 1958 (20 of 1958), is in force, in the manner provided in section 4 of that Act; and

(b) in any other case, in the manner provided in sub-section (1) of section 360 of the Code of Criminal Procedure, 1973 (2 of 1974).

(2) A person convicted for the first time of any offence under section 7 or section 8 may, having regard to his age, character, antecedents and the circumstances in which the offence was committed, also be released after due admonition,—

(a) in a case arising in an area, where the Probation of Offenders Act, 1958 (20 of 1958) is in force, in the manner provided in section 3 of that Act; and

(b) in any other case, in the manner provided in sub-section (3) of section 360 of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) The provisions of sections 5 to 17 (both inclusive) of the Probation of Offenders Act, 1958 (20 of 1958), shall apply to the cases referred to in clause (a) of sub-section (1) and clause (a) of sub-section (2).

(4) The provisions of sub-sections (2) to (10) (both inclusive) of section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), shall apply to the cases referred to in clause (b) of sub-section (1) and clause (b) of sub-section (2).

(5) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force, no person convicted of an offence under sub-section (1) or sub-section (2) of section 3, or under section 4, section 5, section 6 or section 9 shall be released on probation or after due admonition.

(6) Notwithstanding anything contained in sub-section (1) or sub-section (2), if the person convicted of an offence under section 7 or section 8 for the first time is a woman or girl, she shall be dealt with under this section and no sentence of imprisonment shall be awarded to her unless the court is satisfied that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it would not be desirable to deal with her under this section; and if the court passes any sentence of imprisonment on the offender on first conviction, it shall record its reasons for doing so.

(7) For the purpose of satisfying itself whether or not it would be desirable to deal with such woman or girl under this section, the court shall call for a report from the probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958) and shall consider his report, if any, and any other information available to it relating to the character and physical and mental condition of the offender.

10A. *Detention in a corrective institution.*—(1) Where—

(a) a female offender is found guilty of an offence under section 7 or section 8, and is not released under sub-section (1) or sub-section (2) of section 10; and

(b) the character, state of health and mental condition of the offender and the other circumstances of the case are such that it is expedient that she should be subject to detention for such term and such instruction and discipline as are conducive to her correction,

it shall be lawful for the court to pass, in lieu of a sentence of imprisonment, an order for detention in a corrective institution for such term, not being less than two years and not being more than five years, as the court thinks fit:—

Provided that before passing such an order—

(i) the court shall give an opportunity to the offender to be heard and shall also consider any representation which the offender may make to the court as to the suitability of the case for treatment in such an institution, as also the report of the probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958); and

(ii) the court shall record that it is satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case are such that the offender is likely to benefit by such instruction and discipline as aforesaid.

(2) Subject to the provisions of sub-section (3), the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to appeal, reference and revision, and of the Limitation Act, 1963 (36 of 1963), as to the period within which an appeal shall be filed, shall apply in relation to an order of detention under sub-section (1) as if the order had been a sentence of imprisonment for the same period as the period for which the detention was ordered.

(3) Subject to such rules as may be made in this behalf, the State Government or authority authorised in this behalf may, at any time after the expiration of six months from the date of an order for detention in a corrective institution, if it is satisfied that there is a reasonable probability that the offender will lead a useful and industrious life, discharge her from such an institution, without condition or with such conditions as may be considered fit, and grant her a written licence in such forms as may be prescribed.

(4) The conditions on which an offender is discharged under sub-section (3), may include requirements relating to residence of the offender and supervision over the offender's activities and movements."

8. Amendment of section 12.—In section 12 of the principal Act, in sub-section (4), for the words and figures "sections 112 to 126 of the Code of Criminal Procedure, 1898", (5 of 1898); the words and figures "sections 111 to 123 of the Code of Criminal Procedure, 1973 (2 of 1974)", shall be substituted.

9. Amendment of section 13.—In section 13 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) The special police officer shall not be below the rank of an Inspector of Police.

(2A) The District Magistrate may, if he considers it necessary or expedient so to do, confer upon any retired police or military officer all or any of the powers conferred by or under this Act on a special police officer, with respect to particular cases or classes of cases or to cases generally:

Provided that no such power shall be conferred on —

(a) a retired police officer unless such officer, at the time of his retirement, was holding a post not below the rank of an inspector;

(b) a retired military officer unless such officer, at the time of his retirement, was holding a post not below the rank of a commissioned officer."

10. Amendment of section 14.—In section 14 of the principal Act,—

(a) in the opening paragraph, for the words and figures "the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted;

(b) in clause (iii) of the proviso, for the word "inspector", the word "sub-inspector" shall be substituted.

11. Amendment of section 15.—In section 15 of the principal Act,—

(a) in sub-section (2), the following proviso shall be inserted at the end, namely:—

"Provided that the requirement as to the respectable inhabitants being from the locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search."

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) The special police officer entering any premises under sub-section (1), shall be entitled to remove therefrom—

(a) any woman, if in his opinion, she is carrying on, or is being made to carry on, or attempts are being made to make her carry on, prostitution; or

(b) any girl, if in his opinion, she is under the age of twenty-one years and is carrying on, or is being made to carry on, or attempts are being made to make her carry on, prostitution;"

(c) in sub-section (5), for the words "the girl", the words "the woman or girl" shall be substituted;

(d) after sub-section (6), the following sub-section shall be inserted, namely:—

"(7) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to any search under this section as they apply to any search made under the authority of a warrant issued under section 94 of the said Code."

12. Substitution of new sections for sections 16 and 17.—For sections 16 and 17 of the principal Act, the following sections shall be substituted, namely:—

"16. *Rescue of woman or girl.*—(1) Where a magistrate has reason to believe from information received from the police or from any other person authorised by the State Government in this behalf or otherwise, that—

(a) a woman is being made to carry on prostitution in a brothel, or

(b) a girl apparently under the age of twenty-one years is living, or is carrying on, or is being made to carry on, prostitution in a brothel.

he may direct a police officer not below the rank of a sub-inspector to enter such brothel, and to remove therefrom such woman or girl and produce her before him.

(2) The police officer, after removing the woman or girl, shall forthwith produce her before the magistrate issuing the order.

17. Intermediate custody of women and girls removed under section 15 or rescued under section 16.—(1) When the special police officer removing a woman or girl under sub-section (4) of section 15 or a police officer rescuing a woman or girl under sub-section (1) of section 16, is for any reason unable to produce her before the appropriate magistrate as required by sub-section (5) of section 15, or before the magistrate issuing the order under sub-section (2) of section 16 he shall forthwith produce her before the nearest magistrate of any class, who shall pass such orders as he deems proper for her safe custody until she is produced before the appropriate magistrate, or, as the case may be, the magistrate issuing the order:

Provided that no woman or girl shall be—

(i) detained in custody under this sub-section for a period exceeding ten days from the date of the order under this sub-section; or

- (ii) restored to or placed in the custody of a person who may exercise a harmful influence over her.

(2) When the woman or girl is produced before the appropriate magistrate under sub-section (5) of section 15 or the magistrate under sub-section (2) of section 16, he shall, after giving her an opportunity of being heard, cause an inquiry to be made as to the correctness of the information received under sub-section (1) of section 16, the age, character and antecedents of the woman or girl and the suitability of her parents, guardian or husband for taking charge of her and the nature of the influence which the conditions in her home are likely to have on her if she is sent home, and, for this purpose, he may direct a probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958), to inquire into the above circumstances and into the personality of the woman or girl and the prospects of her rehabilitation.

(3) The magistrate may, while an inquiry is made into a case under sub-section (2), pass such orders as he deems proper for the safe custody of the woman or girl:

Provided that no woman or girl shall be kept in custody for this purpose for a period exceeding three weeks from the date of such an order, and no woman or girl shall be kept in the custody of a person likely to have harmful influence over her.

(4) Where the magistrate is satisfied, after making an inquiry as required under sub-section (2),—

- (a) that the information received is correct; and
(b) that she is in need of care and protection,

he may, subject to the provisions of sub-section (5), make an order that such woman or girl be detained for such period, being not less than one year and not more than three years, as may be specified in the order, in a protective home, or in such other custody as he shall, for reasons to be recorded in writing, consider suitable:

Provided that such custody shall not be that of a person or body of persons of a religious persuasion different from that of the woman or girl, and that those entrusted with the custody of the woman or girl, including the persons in charge of a protective home, may be required to enter into a bond which may, where necessary and feasible, contain undertakings based on directions relating to the proper care, guardianship, education, training and medical and psychiatric treatment of the woman or girl as well as supervision by a person appointed by the court, which will be in force for a period not exceeding three years.

(5) In discharging his functions under sub-section (2), a magistrate may summon a panel of five respectable persons, three of whom shall, wherever practicable, be women, to assist him; and may, for this purpose, keep a list of experienced social welfare workers, particularly women social welfare workers, in the field of suppression of immoral traffic in women and girls.

(6) An appeal against an order made under sub-section (4) shall lie to the Court of Session whose decision on such appeal shall be final.

13. *Amendment of section 18.*—In section 18 of the principal Act, in sub-section (1), for the words "two hundred yards", the words "two hundred metres" shall be substituted.

14. *Substitution of new section for section 19.*—For section 19 of the principal Act, the following section shall be substituted, namely:—

"19. *Application for being kept in a protective home or provided care and protection by court.*—(1) A woman or girl who is carrying on, or is being made to carry on, prostitution, may make an application, to the magistrate within the local limits of whose jurisdiction she is carrying on,

or is being made to carry on, prostitution, for an order that she may be—

- (a) kept in a protective home, or
(b) provided care and protection by the court in the manner specified in sub-section (3).

(2) The magistrate may, pending inquiry under sub-section (3), direct that the woman or girl be kept in such custody as he may consider proper, having regard to the circumstances of the case.

(3) If the magistrate, after hearing the applicant and making such inquiry as he may consider necessary, including an inquiry by a probation officer appointed under the Probation of Offenders Act, 1958 (20 of 1958), into the personality, conditions of home and prospects of rehabilitation of the applicant, is satisfied that an order should be made under this section, he shall, for reasons to be recorded, make an order that the applicant be kept,—

- (i) in a protective home, or
(ii) in a corrective institution, or
(iii) under the supervision of a person appointed by the magistrate.

for such period as may be specified in the order."

15. *Amendment of section 21.*—In section 21 of the principal Act,—

(a) in sub-section (1), for the words "as many protective homes under this Act as it thinks fit and such homes", the words "as many protective homes and corrective institutions under this Act as it thinks fit and such homes and institutions" shall be substituted;

(b) in sub-sections (2), (7), (8) and (10), for the words "protective home", wherever they occur, the words "protective home or corrective institution" shall be substituted;

(c) in sub-section (3),—

(i) in the opening paragraph and in the first proviso, for the words "protective home", the words "protective home or corrective institution" shall be substituted;

(ii) after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that a person or authority maintaining any corrective institution at the commencement of the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978, shall be allowed a period of six months from such commencement to make an application for such licence."

(d) after sub-section (9), the following sub-section shall be inserted, namely:—

"(9A) The State Government or an authority authorised by it in this behalf may, subject to any rules that may be made in this behalf, transfer an inmate of a protective home to another protective home or to a corrective institution or an inmate of a corrective institution to another corrective institution or to a protective home, where such transfer is considered desirable having regard to the conduct of the person to be transferred, the kind of training to be imparted and other circumstances of the case:

. Provided that—

(a) no woman or girl who is transferred under this sub-section shall be required to stay in the home or institution to which she is transferred for a period longer than she was required to stay in the home or institution from which she was transferred;

(b) reasons shall be recorded for every order of transfer under this sub-section."

16. *Amendment of section 22*.—In section 22 of the principal Act, for the words, brackets, letter and figure "a magistrate as defined in clause (c) of section 2", the words "a Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

17. *Insertion of new sections 22A and 22B*.—After section 22 of the principal Act, the following sections shall be inserted, namely:—

22A. *Power to establish Special Courts*. (1) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, establish one or more Courts of Judicial Magistrates of the first class, or, as the case may be, Metropolitan Magistrates, in such district or metropolitan area.

(2) Unless otherwise directed by the High Court, a court established under sub-section (1) shall exercise jurisdiction only in respect of cases under this Act.

(3) Subject to the provisions of sub-section (2), the jurisdiction and powers of the presiding officer of a court established under sub-section (1) in any district or metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.

(4) Subject to the foregoing provisions of this section, a court established under sub-section (1) in any district or metropolitan area shall be deemed to be a court established under sub-section (1) of section 11, or, as the case may be, sub-section (1) of section 16, of the Code of Criminal Procedure, 1973 (2 of 1974), and the provisions of that Code shall apply accordingly in relation to such courts.

Explanation.—In this section, "High Court" has the same meaning as in clause (e) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974).

22B. *Power of court to try cases summarily*.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, if it considers it necessary so to do, direct that offences under this Act shall be tried in a summary way by a magistrate [including the presiding officer of a court established under sub-section (1) of section 22A] and the provisions of sections 262 to 265 (both inclusive) of the said Code, shall, as far as may be, apply to such trial.

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this section, it appears to the magistrate that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is, for any other reason, undesirable to try the case summarily, the magistrate shall, after hearing the parties, record an order to that effect and thereafter recall any witness, who may have been examined and proceed to hear or rehear the case in the manner provided by the said Code.

18. *Amendment of section 23*.—In section 23 of the principal Act, in sub-section (2),—

(a) in clause (b), after the words, brackets and figures "under sub-section (1) of section 10", the words "where the women or girls are without a home" shall be inserted;

(b) after clause (b), the following clause shall be inserted, namely:—

"(bb) the discharge of an offender under sub-section (3) of section 10A from a corrective institution and the form of licence to be granted to such offender";

(c) for clause (c), the following clause shall be substituted, namely:—

"(c) the detention and keeping in protective homes or, as the case may be, in corrective institutions of women and girls under this Act and their maintenance";

(d) for clause (g), the following clause shall be substituted, namely:—

"(g) (i) the establishment, maintenance, management and superintendence of protective homes and corrective institutions under section 21 and the appointment, powers and duties of persons employed in such homes or institutions;

(ii) the form in which an application for a licence may be made and the particulars to be contained in such application;

(iii) the procedure for the issue or renewal of a licence, the time within which such licence shall be issued or renewed and the procedure to be followed in making a full and complete investigation in respect of an application for a licence;

(iv) the form of a licence and the conditions to be specified therein;

(v) the manner in which the accounts of a protective home and a corrective institution shall be maintained and audited;

(vi) the maintenance of registers and statements by a licensee and the form of such registers and statements;

(vii) the care, treatment, maintenance, training, instruction, control and discipline of the inmates of protective homes and corrective institutions;

(viii) the visits to and communication with such inmates;

(ix) the temporary detention of women and girls sentenced to detention in protective homes or in corrective institutions until arrangements are made for sending them to such homes or institutions;

(x) the transfer of an inmate from—

(a) one protective home to another, or to a corrective institution,

(b) one corrective institution to another or to a protective home,

under sub-section (9A) of section 21:

(xi) the transfer in pursuance of an order of the court from a protective home or a corrective institution to a prison of a woman or girl found to be incorrigible or exercising bad influence upon other inmates of the protective home or the corrective institution and the period of her detention in such prison;

(xii) the transfer to a protective home or corrective institution of women or girls sentenced under section 7 or section 8 and the period of their detention in such home or institution;

(xiii) the discharge of inmates from a protective home or corrective institution either absolutely or subject to conditions, and their arrest in the event of breach of such conditions;

(xiv) the grant of permission to inmates to absent themselves for short periods;

(xv) the inspection of protective homes and corrective institutions and other institutions in which women and girls may be kept, detained and maintained";

19. *Insertion of new Schedule.*—In the principal Act, the following Schedule shall be inserted at the end, namely:—

"THE SCHEDULE

[See section 2 (c)]

Section	Magistrate competent to exercise the powers
7 (1)	District Magistrate.
11 (4)	Metropolitan Magistrate or Judicial Magistrate of the first class.
12 (4)	Metropolitan Magistrate or Judicial Magistrate of the first class.
15 (5)	Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
16	Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
18	District Magistrate or Sub-Divisional Magistrate.
19	Metropolitan Magistrate, Judicial Magistrate of the first class, District Magistrate or Sub-Divisional Magistrate.
20	District Magistrate, Sub-Divisional Magistrate or any Executive Magistrate specially empowered by the State Government.
22B	Metropolitan Magistrate or Judicial Magistrate of the first class."

20. *Amendment of Act 20 of 1958.*—In section 18 of the Probation of Offenders Act, 1958, the words and figures "or the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956)" shall be omitted.

Assented to on 26-12-1978.

THE MOTOR VEHICLES (AMENDMENT) ACT, 1978

(ACT NO. 47 OF 1978)

AN
ACT

Further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Motor Vehicles (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act; and any reference to the Motor Vehicles (Amendment) Act, 1978, in any amendment made by any provision of this Act shall be construed as a reference to the coming into force of that provision.

2. *Amendment of section 2.*—In section 2 of the Motor Vehicles Act, 1939 (4 of 1939), (hereinafter referred to as the principal Act),—

(a) after clause (3), the following clause shall be inserted, namely:—

"(4) 'dealer' includes a person who is engaged in the manufacture of motor vehicles or in building bodies for attachment to chassis";

(b) for clause (9), the following clauses shall be substituted, namely:—

"(9) 'heavy goods vehicle' means any goods vehicle the registered laden weight of which, or a tractor the unladen weight of which, exceeds 11,000 kilograms;

(9A) 'heavy passenger motor vehicle' means any public service vehicle or omnibus the registered laden weight of either of which, or a motor car the unladen weight of which, exceeds 11,000 kilograms;";

(c) for clause (14), the following clauses shall be substituted, namely:—

"(14) 'medium goods vehicle' means any goods vehicle, other than a light motor vehicle, heavy goods vehicle or road-roller; "

(14A) 'medium passenger motor vehicle' means any public service vehicle, other than a motor cycle, invalid carriage, light motor vehicle or heavy passenger motor vehicle;";

(d) after clause (25), the following clause shall be inserted, namely:—

"(25A) 're-built vehicle' means a motor vehicle re-built with an engine and a chassis both of which had not been registered under this Act as one vehicle;";

3. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (7), for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) a person who passes the test in driving a heavy goods vehicle shall be deemed also to have passed the test in driving any medium goods vehicle or light motor vehicle;

(b) a person who passes the test in driving a heavy passenger motor vehicle shall be deemed also to have passed the test in driving any medium passenger motor vehicle or light motor vehicle;

(c) a person who passes the test in driving a medium goods vehicle or a medium passenger motor vehicle shall be deemed also to have passed the test in driving any light motor vehicle;";

(ii) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) Notwithstanding anything contained in sub-section (7), any person, who has a valid driving licence granted before the commencement of the Motor Vehicles (Amendment) Act, 1978, authorising him to drive a heavy motor vehicle or, as the case may be, a medium motor vehicle, shall, for the period specified in such licence, be permitted to drive—

(a) any heavy goods vehicle, heavy passenger motor vehicle, medium goods vehicle, medium passenger motor vehicle or light motor vehicle, where the licence is for driving any heavy motor vehicle;

(b) any medium goods vehicle, medium passenger motor vehicle, or light motor vehicle, where the licence is for driving any medium motor vehicle;";

4. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2), for clauses (d) and (e), the following clauses shall be substituted, namely:—

"(d) medium goods vehicle,

(e) medium passenger motor vehicle,

(ei) heavy goods vehicle,

(eti) heavy passenger motor vehicle;";

5. *Amendment of section 9.*—In section 9 of the principal Act, in sub-section (3), in clause (a), for the words "to drive a transport vehicle", the words "to drive as a paid employee or to drive a transport vehicle" shall be substituted.

6. *Amendment of section 10.*—In section 10 of the principal Act,—

(a) after the words "issued or renewed under this Act", the words, brackets and figures "after the commencement of the Motor Vehicles (Amendment) Act, 1978" shall be inserted;

(b) for the words "three years" the words "five years" shall be substituted;

(c) the following proviso shall be inserted at the end, namely:

"Provided that a driving licence issued or renewed to drive as a paid employee or to drive a transport vehicle shall be effective without renewal for a period of three years only."

7. *Amendment of section 16.*—In section 16 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) Upon the issue of an order under sub-section (1), the holder of a driving licence shall forthwith surrender his driving licence to the licensing authority which issued the driving licence (hereafter in this section referred to as the issuing authority), or, as the case may be, to the licensing authority by which the driving licence was last renewed (hereafter in this section referred to as the renewing authority), and the issuing authority or, as the case may be, the renewing authority shall endorse the fact of disqualification in the driving licence and keep it until the period of disqualification has expired or the disqualification has been removed:

Provided that where the driving licence authorises a person to drive more than one class or description of motor vehicles and the order, made under sub-section (1), disqualifies him from driving any specified class or description of motor vehicles, the authority to which the driving licence was surrendered shall endorse the fact of disqualification in the driving licence and return the same to the holder.

(1B) Where an order of disqualification has been made under sub-section (1), the period of disqualification shall be reckoned from the date of surrender of the driving licence to the issuing authority or the renewing authority, as the case may be, under sub-section (1A), or from the date on which the relevant endorsement is made on the driving licence, whichever is earlier:

Provided that in a case where the driving licence is, on the date on which the said order is made, in the possession of the issuing authority or the renewing authority or a police officer, the disqualification shall take effect from the date of the said order."

8. *Amendment of section 21.*—In section 21 of the principal Act, in sub-section (2), after clause (aa), the following clause shall be inserted, namely:—

"(aaa) the minimum educational qualifications of persons to whom licences to drive transport vehicles are issued after the commencement of the Motor Vehicles (Amendment) Act, 1978 and the time within which such qualifications are to be acquired by such persons:"

9. *Amendment of section 24.*—In section 24 of the principal Act:—

(a) in sub-section (3),—

(i) for the words "one of the groups of letters allotted to the State by the Sixth Schedule", the words "one of the groups of such of those letters as are allotted to the State by the Central Government from time to time by notification in the Official Gazette," shall be substituted;

(ii) the following proviso shall be inserted, namely:—
"Provided that the letters and figures aforesaid shall be shown—

(a) in the case of transport vehicles, in black on a white ground;

(b) in the case of motor vehicles temporarily registered, in red on a yellow ground;

(c) in the case of motor vehicles in the possession of dealers, in white on a red ground;

(d) in other cases, in white on a black ground."

(b) after sub-section (3), as so amended, the following sub-sections shall be inserted, namely:—

"(4) A certificate of registration issued under sub-section (2), whether before or after the commencement of the Motor Vehicles (Amendment) Act, 1978, in respect of a motor vehicle, other than a transport vehicle, shall, subject to the provisions contained in this Act, be valid only for a period of fifteen years from the date of issue of such certificate and shall be renewable.

(5) An application by or on behalf of the owner of a motor vehicle, other than a transport vehicle, for the renewal of a certificate of registration shall be made within such period as may be prescribed, in Form F as set forth in the First Schedule, shall contain the information required by that Form and shall be accompanied by the prescribed fee.

(6) Where in the case of a certificate of registration issued under this Act before the commencement of the Motor Vehicles (Amendment) Act, 1978, in respect of a motor vehicle, other than a transport vehicle, the period of fifteen years referred to in sub-section (4) has expired at such commencement, the holder of such certificate shall apply for the renewal of the said certificate in Form-F as set forth in the First Schedule to the registering authority within six months from such commencement, or within such extended period not exceeding six months as the authority may, on sufficient cause being shown, allow, and such application shall contain, the information required by that Form and shall be accompanied by the prescribed fee.

(7) The registering authority may, on receipt of an application under sub-section (5) or sub-section (6), renew the certificate of registration for the prescribed period."

10. *Amendment of section 26.*—In section 26 of the principal Act, in sub-section (1), for the words "before proceeding to register a motor vehicle require the person applying for registration of the vehicle", the words "before proceeding to register a motor vehicle or renew the certificate of registration in respect of a motor vehicle, other than a transport vehicle, require the person applying for registration of the vehicle or, as the case may be, for renewing the certificate of registration" shall be substituted.

11. *Substitution of new section for section 27.*—For section 27 of the principal Act, the following section shall be substituted, namely:—

"27. *Refusal of registration or renewal of the certificate of registration.*—The registering authority may, by order, refuse to register any motor vehicle, or renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle), if in either case the vehicle is mechanically defective or fails to comply with the requirements of Chapter V, or of the rules made thereunder, or if the applicant fails to furnish particulars of any previous registration of the vehicle or furnishes inaccurate particulars in the application for registration of the vehicle or, as the case may be, for renewal of the certificate of registration thereof and the registering authority shall furnish the applicant whose vehicle is refused registration, or whose application for renewal of the certificate of registration is refused, a copy of such order, together with the reasons for such refusal."

12. Amendment of section 29.—In section 29 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:

"Provided that an application under this sub-section shall be accompanied—

(i) by a no objection certificate obtained under section 29, or

(ii) in a case where no such certificate has been obtained, by—

(a) a receipt obtained under sub-section (2) of section 29A; or

(b) a postal acknowledgement received by the owner of the vehicle if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 29A.

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted."

(b) in sub-section (2), for the words "in accordance with the Sixth Schedule", the words, brackets and figures "as specified in sub-section (3) of section 24" shall be substituted:

(c) after sub-section (2) as so amended, the following sub-section shall be inserted, namely:—

"(2A) Where a motor vehicle is held under a hire-purchase agreement or is subject to hypothecation, the registering authority shall, after assigning the vehicle a registration mark under sub-section (2), inform the person whose name has been specified in the certificate of registration as the person with whom the registered owner has entered into the hire-purchase agreement or, as the case may be, the person in whose favour the vehicle is subject to hypothecation (by sending to such person a notice by registered post acknowledgement due at the address of such person entered in the certificate of registration) the fact of assignment of the said registration mark."

13. Insertion of new section 29A.—After section 29 of the principal Act, the following section shall be inserted, namely:—

"29A. No objection certificate.—(1) The owner of a motor vehicle when applying for the assignment of a new registration mark under sub-section (1) of section 29 to the registering authority within whose jurisdiction the vehicle is, or the transferor of any motor vehicle when reporting the transfer under sub-section (1) of section 31 to the registering authority within whose jurisdiction the transfer is to be effected, shall make an application in such form and in such manner as may be prescribed to the registering authority by which the vehicle was previously registered for the issue of a certificate (hereafter in this section referred to as the no objection certificate), to the effect that the registering authority has no objection for entering a new registration mark in the certificate of registration or, as the case may be, for entering the particulars of the transfer of ownership in the certificate of registration.

(2) The registering authority shall, on receipt of an application under sub-section (1), issue a receipt in such form as may be prescribed.

(3) On receipt of an application under sub-section (1), the registering authority may, after making such inquiry as it deems fit and within thirty days of the receipt thereof, by order in writing, communicate to the applicant that it has granted or refused to grant the no objection certificate:

Provided that a registering authority shall not refuse to grant the no objection certificate unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(4) Where within a period of thirty days referred to in sub-section (3), the registering authority does not refuse to grant the no objection certificate or does not communicate the refusal to the applicant, the registering authority shall be deemed to have granted the no objection certificate.

(5) Before granting or refusing to grant the no objection certificate, the registering authority shall obtain a report in writing from the police that no case relating to the theft of the motor vehicle concerned has been reported or is pending verify whether all the amounts due to Government including, road tax in respect of that motor vehicle have been paid and take into account such other factors as the Central Government may by rules prescribe."

14. Amendment of section 30.—In section 30 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) If the owner of a motor vehicle fails to intimate his new address to the concerned registering authority within the period specified in sub-section (1), the registering authority may, having regard to the circumstances of the case, require the owner to pay, in lieu of any action that may be taken against him under section 112, such amount not exceeding one hundred rupees as may be prescribed under sub-section (1C):

Provided that action under section 112 shall be initiated against the owner where he fails to pay the said amount.

(1B) Where a person has paid the amount under sub-section (1A), no action shall be taken against him under section 112.

(1C) For the purposes of sub-section (1A), a State Government may prescribe different amounts having regard to the period of delay in intimating the change in the place of residence, or place of business, or both, as recorded in the certificate of registration."

15. Amendment of section 31.—In section 31 of the principal Act,—

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) the transferor shall—

(i) within fourteen days of the transfer, report the fact of transfer to the registering authority within whose jurisdiction the transfer is to be effected and shall simultaneously send a copy of the said report to the transferee;

(ii) within forty-five days of the transfer, forward to the registering authority referred to in sub-clause (i)—

(A) a no objection certificate obtained under section 29A; or

(B) in a case where no such certificate has been obtained,—

(i) a receipt obtained under sub-section (2) of section 29A; or

(ii) a postal acknowledgement received by the transferor if he has sent an application in this behalf by registered post acknowledgement due to the registering authority referred to in section 29A.

together with a declaration that he has not received any communication from such authority refusing to grant such certificate or requiring him to comply with any direction subject to which such certificate may be granted."

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) If the transferor or the transferee fails to report to the registering authority the fact of transfer within the period specified in clause (a) or clause (b) of sub-section (1), the registering authority may, having regard to the circumstances of the case, require the transferor or, as the case may be, the transferee, to pay, in lieu of any action that may be taken against the transferor or the transferee under section 112, such amount not exceeding one hundred rupees as may be prescribed under sub-section (1C):

Provided that action under section 112 shall be initiated against the transferor or the transferee, where the transferor or, as the case may be, the transferee fails to pay the said amount.

(1B) Where a person has paid the amount under sub-section (1A), no action shall be taken against him under section 112.

(1C) For the purposes of sub-section (1A), a State Government may prescribe different amounts having regard to the period of delay on the part of the transferor or the transferee in reporting the fact of transfer of ownership of the motor vehicle.”

16. Amendment of section 31A.—In section 31A of the principal Act,—

(a) in sub-section (5), for the words “and issue a duplicate thereof to the person aforesaid”, the following shall be substituted, namely:—

“and issue a fresh certificate of registration to the person with whom the registered owner has entered into the hire-purchase agreement:

Provided that a fresh certificate of registration shall not be issued in respect of a motor vehicle, unless the person pays the prescribed fee:

Provided further that a fresh certificate of registration issued in respect of a motor vehicle, other than a transport vehicle, shall be valid only for the remaining period for which the certificate cancelled under this sub-section would have been in force.”

(b) after sub-section (5), the following sub-sections shall be inserted, namely:—

“(5A) The registered owner shall, before applying to the appropriate authority, for the renewal of a permit, make an application to the person with whom the registered owner has entered into a hire-purchase agreement (such person being hereafter in this section referred to as the financier) for the issue of a no objection certificate (hereafter in this section referred to as the certificate).

Explanation.—In this section, “appropriate authority”, in relation to any permit, means the authority which is authorised by this Act to renew such permit.

(5B) Within seven days of the receipt of an application under sub-section (5A), the financier may issue, or refuse, for reasons which shall be recorded in writing and communicated to the applicant, to issue, the certificate applied for, and where the financier fails to issue the certificate and also fails to communicate the reasons for refusal to issue the certificate to the applicant within the said period of seven days, the certificate applied for shall be deemed to have been issued by the financier.

(5C) The registered owner shall, while applying to the appropriate authority for the renewal of any permit, submit with such application

the certificate, if any, obtained under sub-section (5B) or, where no such certificate has been obtained, the communication received from the financier under that sub-section, or, as the case may be, a declaration that he has not received any communication from the financier within the period specified in that sub-section.

(5D) On receipt of an application for the renewal of any permit under this section, the appropriate authority may subject to the other provisions of this Act—

(i) in a case where the financier has refused to issue the certificate applied for, after giving the applicant an opportunity of being heard, either renew, or refuse to renew, the permit;

(ii) in any other case, renew the permit.”

(c) in sub-section (6), for the brackets and figure “(5)”, the brackets, figure and letter “(5D)” shall be substituted.

17. Amendment of section 34.—In section 34 of the principal Act,—

(a) after sub-section (4), the following sub-section shall be inserted, namely:—

“(4A) If a registering authority is satisfied that the registration of a motor vehicle has been obtained on the basis of documents which were, or by representation of facts which was, false in any material particular, the registering authority shall, after giving the owner an opportunity to make such representation as he may wish to make (by sending to the owner a notice by registered post acknowledgement due at his address entered in the certificate of registration), and for reasons to be recorded in writing, cancel the certificate of registration of the vehicle.”

(b) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) In this section, “certificate of registration” includes a certificate of registration renewed under the provisions of this Act.”

18. Amendment of section 35.—In section 35 of the principal Act, in sub-section (1), for the words “to register a motor vehicle”, the words, brackets, figures and letter “to register a motor vehicle or to renew the certificate of registration in respect of a motor vehicle (other than a transport vehicle) or under section 29A to issue a no objection certificate” shall be substituted.

19. Amendment of section 41.—In section 41 of the principal Act, in sub-section (2),—

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba) the period within which an application for renewal of a certificate of registration in respect of a motor vehicle, other than a transport vehicle, may be made and the period for which such certificate may be renewed.”

(ii) in clause (c), for the words “the issue”, the words “the issue or renewal” shall be substituted;

(iii) after clause (d), the following clause shall be inserted, namely:—

“(da) the form in which and the manner in which an application for no objection certificate may be made under sub-section (1) of section 29A and the form of receipt to be issued under sub-section (2) thereof.”

(iv) in clause (f), for the words “the issue”, the words “the issue or renewal” shall be substituted;

(v) after clause (h), the following clause shall be inserted, namely:—

“(i) the amount or amounts under sub-section (1C) of section 30 or sub-section (1C) of section 31”:

(vi) after clause (j), the following clause shall be inserted, namely:—

“(la) the conditions governing the registration of re-built vehicles;”

20. *Amendment of section 44.*—In section 44 of the principal Act, in sub-section (2), for the words “judicial experience”, wherever they occur, the words “judicial experience or experience as an appellate or a revisional authority under any law relating to land revenue” shall be substituted.

21. *Amendment of section 47.*—In section 47 of the principal Act,—

(a) in sub-section (1), in the proviso, after the words “in force for the time being”, the words “and an application for a stage carriage permit from a person who has a valid licence for driving transport vehicles” shall be inserted;

(b) after sub-section (1), as so amended, the following sub-sections shall be inserted, namely:—

“(1A) The Government of a State shall reserve in that State certain percentage of stage carriage permits for the Scheduled Castes and the Scheduled Tribes.

Explanation.—In this section and in sections 55 and 63, “Scheduled Castes” and “Scheduled Tribes” have the meanings respectively assigned to them in article 366 of the Constitution.

(1B) The reservation of permits under sub-section (1A) shall be in the same ratio as in the case of appointments made by direct recruitment to public services in the State.

(1C) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted stage carriage permits in that State,—

(a) reserve in that State such percentage of stage carriage permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in the proviso to sub-section (1), give preference, in such manner as may be prescribed, to applications for stage carriage permits from such persons.

Explanation I.—In this section and in sections 55, 63 and 68, a person shall be deemed to belong to economically weaker section of the community, if and only if, on the prescribed date,—

(a) the annual income of such person together with the annual income, if any, of the members of his family; or

(b) the extent of land (whether in one class or in different classes) held by such person together with that, if any, held by the members of his family; or

(c) the annual income and the extent of land aforesaid, does, or do, not exceed such limit as may be prescribed.

Explanation II.—For the purposes of *Explanation I*, “family”, in relation to an individual, means the wife or husband, as the case may be, of such individual and the minor children of such individual.

(1D) The number of permits reserved under sub-section (1B) and clause (a) of sub-section (1C) shall not exceed fifty per cent of the total number of stage carriage permits granted during a calendar year.

(1E) In giving effect to the provisions of sub-section (1B) and clause (a) of sub-section (1C), the Regional Transport Authority or the State Transport Authority may, if it considers necessary or expedient so to do, group the various routes within its jurisdiction.

(1F) Where any stage carriage permit is to be granted from the quota reserved under sub-section (1B) or clause (a) of sub-section (1C) to any co-operative society registered or deemed to have been registered under any enactment in force for the time being or any firm to which the provisions of the Indian Partnership Act, 1932 (9 of 1932) apply, no permit shall be granted to such society or firm unless the members of the co-operative society or the partners of the firm belong to the Scheduled Castes, the Scheduled Tribes or economically weaker sections of the community:

Provided that where the members of such co-operative society or the partners of such firm are partly from the Scheduled Castes, partly from the Scheduled Tribes and partly from the economically weaker sections of the community, or from any two of these categories, any permit under this sub-section shall be granted to such society or firm only from the quota reserved for the category to which the largest number of members of the co-operative society, or, as the case may be, partners of the firm, belong:

Provided further that where no reservation has been made in the State for economically weaker sections of the community under clause (a) of sub-section (1C), no permit under this sub-section shall be granted to a co-operative society or firm unless the members of such society or partners of such firm belong to the Scheduled Castes, or the Scheduled Tribes or partly to the Scheduled Castes and partly to the Scheduled Tribes and the permit to such society or firm shall be granted only from the quota reserved for the Scheduled Castes or the Scheduled Tribes according as to whether the larger number of the members of the co-operative society, or partners of the firm, belong to the Scheduled Castes or the Scheduled Tribes.

(1G) The circumstances under which, the manner in which, and the extent to which, reservation under sub-section (1A) and clause (a) of sub-section (1C) may be carried forward shall be such as may be prescribed.

(1H) Notwithstanding anything contained in this section, an application for a stage carriage permit from a State transport undertaking for operating in any inter-State route shall be given preference over all other applications:

Provided that the authority shall not grant a permit under this sub-section unless it is satisfied that the State transport undertaking would be able to operate in the inter-State route without detriment to its responsibility for providing efficient and adequate road transport service in any notified area or notified route as is referred to in sub-section (3) of section 68D where the undertaking operates the service.

Explanation.—For the purposes of this sub-section, “inter-State route” means any route lying continuously in two or more States.

22. Amendment of section 55.—In section 55 of the principal Act,—

(a) in sub-section (1), in the proviso, after the words "in force for the time being", the words "and an application for a public carrier's permit from a person who has a valid licence for driving transport vehicles" shall be inserted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(1A) The Government of a State shall reserve in that State certain percentage of public carriers' permits for the Scheduled Castes and the Scheduled Tribes.

(1B) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted public carriers' permits in that State,—

(a) reserve in that State such percentage of public carriers' permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in the proviso to sub-section (1), give preference, in such manner as may be prescribed, to applications for public carriers' permits from such persons.

(1C) The provisions of sub-sections (1B), (1D), (1E) and (1G) of section 47 shall apply to or in relation to the grant of public carriers' permits under this section as they apply to or in relation to the grant of stage carriage permits under that section."

23. Amendment of section 58.—In section 58 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) Notwithstanding anything contained in sub-section (2), an application for the renewal of a permit may be made by a State transport undertaking in the case of a stage carriage permit or a public carrier's permit or a contract carriage permit, not less than fifteen days before the date of expiry of the permit."

24. Amendment of section 63.—In section 63 of the principal Act,—

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that—

(a) where a motor vehicle covered by a permit granted in one State is to be used for the purposes of defence in any other State, such vehicle shall display a certificate, in such form, and issued by such authority, as the Central Government may, by notification in the Official Gazette, specify, to the effect that the vehicle shall be used for the period specified therein exclusively for the purposes of defence; and

(b) any such permit shall be valid in that other State notwithstanding that such permit has not been countersigned by the State Transport Authority or the Regional Transport Authority of that other State."

(b) in sub-section (7), the following proviso shall be inserted, namely:—

"Provided that preference shall be given to applications for permits from—

(i) the India Tourism Development Corporation;

(ii) a State Tourism Development Corporation;

(iii) a State Tourist Department;

(iv) such operators of tourist cars, or such travel agents, as may be approved in this behalf by the Ministry of the Central Government dealing in tourism."

(c) after sub-section (11), the following sub-sections shall be inserted, namely:—

"(11A) The Government of a State shall reserve in that State certain percentage of national permits for the Scheduled Castes and the Scheduled Tribes.

(11B) The Government of a State may, having regard to the extent to which persons belonging to economically weaker sections of the community have been granted national permits in that State,—

(a) reserve in that State such percentage of national permits, as may be prescribed, for persons belonging to economically weaker sections of the community; or

(b) notwithstanding anything contained in clause (b) of sub-section (12), give preference, in such manner as may be prescribed, to applications for national permits from such persons.

(11C) The provisions of sub-sections (1B), (1D), (1E) and (1G) of section 47 shall apply to or in relation to the grant of national permits under this section as they apply to or in relation to the grant of stage carriage permits under that section."

(d) in sub-section (12), in clause (b), for the word "or", the word "and" shall be substituted.

25. Amendment of section 64.—In section 64 of the principal Act, in sub-section (2), the word "whole-time" shall be omitted.

26. Amendment of section 64A.—In section 64A of the principal Act,—

(a) after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that the State Transport Appellate Tribunal may entertain the application after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time;"

(b) in the existing second proviso, for the word "further", the word "also" shall be substituted.

27. Amendment of section 68.—In section 68 of the principal Act, in sub-section (2), after clause (c), the following clauses shall be inserted, namely:—

"(ci) the percentage of stage carriage permits, public carriers' permits or national permits to be reserved under section 47 or section 55 or section 63 for economically weaker sections of the community;

(cii) the manner in which preference shall be given in the grant of stage carriage permits, public carriers' permits or national permits to economically weaker sections of the community where no reservation is made to such applicants;

(ciit) the date and limits of annual income and the extent of land, for the purposes of Explanation I below sub-section (1C) of section 47;

(civ) the circumstances under which, the manner in which, and the extent to which, reservation may be carried forward in respect of stage carriage permits, public carriers' permits or national permits."

28. Amendment of section 68F.—In section 68F of the principal Act, after sub-section (1D), the following sub-section shall be inserted, namely:—

"(1E) Where a State transport undertaking applies for renewal of a permit within the period specified in sub-section (2A) of section 58, the State Transport Authority or, as the case may be, the Regional Transport Authority, shall, renew such permit, notwithstanding anything to the contrary contained in Chapter IV."

29. Amendment of section 72.—In section 72 of the principal Act, in sub-section (1), for the words "heavy motor vehicles", the words "heavy goods vehicles or heavy passenger motor vehicles" shall be substituted.

30. *Amendment of section 75.*—In section 75 of the principal Act, in sub-section (4), for the words "Chief Presidency Magistrate", the words "Chief Metropolitan Magistrate" shall be substituted.

31. *Insertion of new section 82A.*—After section 82 of the principal Act, the following section shall be inserted, namely:—

"82A. *Prohibition against travelling without pass or ticket.*—No person shall enter or remain in any stage carriage for the purposes of travelling therein unless he has with him a proper pass or ticket:

Provided that where arrangements for the supply of tickets are made in the stage carriage by which a person has to travel, a person may enter such stage carriage but as soon as may be after his entry therein he shall make the payment of his fare to the conductor or the driver who discharges the functions of a conductor and obtain from such conductor or driver, as the case may be, a ticket for his journey.

Explanation.—In this section,—

- (a) "pass" means a duty, privilege or courtesy pass entitling the person to whom it is given to travel in a stage carriage gratuitously and includes a pass issued on payment for travel in a stage carriage for the period specified therein;
- (b) "ticket" includes a single ticket, a return ticket or a season ticket."

32. *Amendment of section 110A.*—In section 110A of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

"(aa) by the owner of the property; or".

33. *Amendment of section 110C.*—In section 110C of the principal Act, in sub-section (2), for the words and figures "section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898)", the words and figures "section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974)" shall be substituted.

34. *Insertion of new section 112A.*—After section 112 of the principal Act, the following section shall be inserted, namely:—

"112A. *Penalty for travelling without pass or ticket and for dereliction of duty on the part of conductor.*—

- (1) Whoever travels in a stage carriage without having a proper pass or ticket with him or being in or having alighted from a stage carriage fails or refuses to present for examination or to deliver up his pass or ticket immediately on requisition being made therefor, he shall be punishable with fine which may extend to five hundred rupees.

Explanation.—In this section, "pass" and "ticket" have the meanings respectively assigned to them in section 82A.

- (2) If the conductor of a stage carriage, or the driver of a stage carriage where such driver discharges the functions of a conductor in such stage carriage, whose duty is—

- (a) to supply a ticket to a person travelling in a stage carriage on payment of fare by such person, either wilfully or negligently,—

- (i) fails or refuses to accept the fare when tendered, or
- (ii) fails or refuses to supply a ticket, or
- (iii) supplies an invalid ticket, or
- (iv) supplies a ticket of lesser value, or

- (b) to check any pass or ticket, either wilfully or negligently fails or refuses to do so,

he shall be punishable with fine which may extend to five hundred rupees.

(3) The offence under this section may be compounded if the person referred to in sub-section (1) or the conductor or the driver referred to in sub-section (2), pays, on the spot on demand by such authority as the State Government may, by notification in the Official Gazette, specify,—

- (a) ten times the actual fare payable by such person or realisable by such conductor or driver; or

- (b) rupees five hundred, whichever is less,

(4) Where a person has paid the amount under sub-section (3), no action shall be taken against him under section 112."

35. *Insertion of new section 124A.*—After section 124 of the principal Act, the following section shall be inserted, namely:—

"124A. *Imposition of minimum fine under certain circumstances.*—(1) Whoever having been convicted of an offence under this Act commits an offence on a second or subsequent occasion within three years of the commission of a previous similar offence, no court shall, except for reasons to be stated in writing, impose on him a fine of less than one-fourth of the maximum amount of the fine imposable for such offence.

(2) Nothing in sub-section (1) shall be construed as restricting the power of the court from awarding such imprisonment as it considers necessary in the circumstances of the case not exceeding the maximum specified in this Act in respect of that offence."

36. *Amendment of section 129A.*—In section 129A of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where a motor vehicle has been seized and detained under this section for contravention of the provisions of section 22, such vehicle shall not be released to the owner unless and until he produces a valid certificate of registration under this Act in respect of that vehicle."

37. *Amendment of section 132.*—In section 132 of the principal Act, for the words "Presidency Magistrate", the words "Metropolitan Magistrate" shall be substituted.

38. *Amendment of section 133A.*—In section 133A of the principal Act, in sub-section (5),—

- (a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;
- (b) for the word and figures "section 98", the word and figures "section 94" shall be substituted.

39. *Amendment of the First Schedule.*—In the First Schedule to the principal Act,—

- (a) in Form A—

- (i) in Section I, for items (d) and (e), the following items shall be substituted, namely:—
 - "(d) medium goods vehicles,
 - "(e) medium passenger motor vehicles,
 - "(ei) heavy goods vehicles,
 - "(eii) heavy passenger motor vehicles,";

- (b) in Section III, for question (a), the following question shall be substituted, namely:—

"(a) Do you suffer from attacks of loss of consciousness from any cause?"

- (c) in Form AA, in the first paragraph, for items (d) and (e) the following items shall be substituted, namely:—

- "(d) medium goods vehicles,
- (e) medium passenger motor vehicles,
- (ei) heavy goods vehicles,
- (eii) heavy passenger motor vehicles,";

- (d) in Form B, in Section II, for question (a), the following question shall be substituted, namely:—
“(a) Do you suffer from attacks of loss of consciousness from any cause?”;
- (e) in Form D, for items (d) and (e), the following items shall be substituted, namely:—
“(d) medium goods vehicles,
(e) medium passenger motor vehicles,
(ei) heavy goods vehicles,
(eii) heavy passenger motor vehicles.”;
- (f) in Form E—
(i) in entry 1, the words “and address” shall be omitted;
(ii) after entry 1A, the following entries shall be inserted, namely:—
“1AB. Permanent address of the person to be registered as registered owner....
1AC. Temporary address of the person to be registered as registered owner.”;
(iii) after entry 2, the following entry shall be inserted, namely:—
“2A. The motor vehicle is—
(a) a new vehicle;
(b) a re-built vehicle.”;
(iv) in entries 16 and 20, for the words “heavy motor vehicles”, the words “heavy goods vehicles or heavy passenger motor vehicles” shall be substituted;
- (g) after Form E, the following Form shall be inserted, namely:—

“FORM F

[See section 24 (5) and (6)]

Form of Application for renewal of certificate of registration of a motor vehicle, other than a transport vehicle

I, Shri/Shrimati/Kumari.....hereby apply for the renewal of the certificate of registration, which is attached, and particulars of which are as follows:—

- (a) Registered number
(b) Date of issue
(c) Registering authority by which the certificate was issued/last renewed.

My present address is.....
If this address is not entered on the licence, I do.....do not wish that it should be so entered.

The renewal of the certificate has not been refused by any registering authority.

1. Class of vehicle
2. The motor vehicle is—
(a) an new vehicle;
(b) a re-built vehicle;
3. Type of body
4. Maker's name
5. Year of manufacture
6. Number of cylinders
7. Cubic capacity
8. Maker's classification
9. Chassis number
10. Engine number
11. Seating capacity (including driver)
12. Unladen weight

Dated:.....Signature of Applicant.

Note.—The motor vehicle above described is—

- (i) subject to a hire-purchase agreement with.....
(ii) subject to hypothecation in favour of.....
(iii) not held under hire-purchase agreement or subject to any mortgage.

(Strike out whatever is not applicable and, if the motor vehicle is subject to hire-purchase agreement or hypothecation, obtain the signature of the hire-purchase company or the mortgagee, as the case may be)

Signature of owner.

Signature of hire-purchase Company/Mortgagee.”;

(h) in Form G,—

- (i) for the words “and address”, occurring in the third entry below the heading “Form of Certificate of Registration”, the words “and permanent and temporary addresses” shall be substituted;
- (ii) after entry 1, the following entry shall be inserted, namely:—
“1A. The motor vehicle is—
(a) a new vehicle;
(b) a re-built vehicle.”;
- (iii) in entries 14 and 18, for the words “heavy motor vehicles”, the words “heavy goods vehicles or heavy passenger motor vehicles” shall be substituted;
- (iv) after entry 18, the following shall be inserted, namely:—
“This certificate is valid from.....to.....”;
- (v) before the Note, the following shall be inserted, namely:—
“This certificate is hereby renewed upto

Signature of registering authority

the.....day of.....19.....
the.....day of.....19.....
the.....day of.....19.....
the.....day of.....19.....

40. Amendment of the Second Schedule.—In the Second Schedule to the principal Act, in paragraph 1, for the word “Epilepsy”, the words “Attacks of loss of consciousness from any cause” shall be substituted.

41. Omission of the Sixth Schedule.—The Sixth Schedule to the principal Act shall be omitted.

42. Amendment of the eighth Schedule.—In the Eighth Schedule to the principal Act,—

- (a) for the words “heavy motor vehicle”, wherever they occur, the words “heavy goods vehicle or heavy passenger motor vehicle” shall be substituted;
- (b) for the words “medium motor vehicle” the words “medium goods vehicle or medium passenger motor vehicle” shall be substituted.

Assented to on 30-12-1978.

THE PAYMENT OF BONUS (AMENDMENT) ACT, 1978

(ACT NO. 48 OF 1978)

AN

ACT

to amend the Payment of Bonus (Amendment) Act, 1977.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Payment of Bonus (Amendment) Act, 1978.
(2) It shall be deemed to have come into force on the 8th day of September, 1978.

2. Amendment of section 2.—In section 2 of the Payment of Bonus (Amendment) Act, 1977 (43 of 1977) (hereinafter referred to as the amendment Act), after the words and figures “in respect of the accounting year commencing on any day in the year 1976”, the words and figures “and in respect of the accounting year commencing on any day in the year 1977” shall be inserted.

3. Repeal and Saving.—(1) The Payment of Bonus (Amendment) Ordinance, 1978 (3 of 1978) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Payment of Bonus Act, 1965 (21 of 1965) by virtue of the provisions of the amendment Act as amended by the said Ordinance shall be deemed to have been done or taken under the Payment of Bonus Act, 1965 by virtue of the provisions of the amendment Act as amended by this Act.

Assented to on 30-12-1978.

THE SUGAR UNDERTAKINGS (TAKING OVER OF MANAGEMENT) ACT, 1978

ACT No. 49 OF 1978

AN
ACT

to provide for the temporary taking over, in the public interest, of the management of certain sugar undertakings in certain circumstances.

WHEREAS for maintaining the continuity of production of sugar, for avoiding undue hardship to cane producing farmers and to best subserve the interests of all sections of the people, it is expedient in the public interest to provide for the taking over for a limited period the management of every sugar undertaking which fails or ceases to manufacture sugar or which fails to pay promptly amounts due for the cane acquired for the purposes of the undertaking.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Sugar Undertakings (Taking Over of Management) Act, 1978.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 9th day of November, 1978.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “appointed day”, in relation to any sugar year, means such day in the year as the Central Government may, by notification, specify having regard to the agro-climatic conditions prevailing or likely to prevail, the quantity of cane available or likely to be available for crushing and other relevant factors;

Provided that for the sugar year 1978-79, the appointed day shall be the 15th day of November, 1978;

(b) “cane” means sugarcane;

(c) “date of vesting”, in relation to a sugar undertaking, means the date on which the management of the undertaking vests in the Central Government under section 3;

(d) “notification” means a notification published in the Official Gazette;

(e) “prescribed” means prescribed by rules made under this Act;

(f) “sugar undertaking” means an undertaking engaged in the manufacture or production of sugar by means of vacuum pans and with the aid of mechanical power and “notified sugar undertaking” means a sugar undertaking in respect of which a notification has been issued under section 3;

(g) “sugar year” means the period of twelve months commencing on the 1st day of October and ending with the 30th day of September next following;

(h) words and expressions used but not defined in this Act and defined in the Industries (Development and Regulation) Act, 1951 (65 of 1951), shall have the meanings respectively assigned to them in that Act and for this purpose a sugar undertaking shall be deemed to be an industrial undertaking within the meaning of that Act;

(i) words and expressions used but not defined in this Act or in the Industries (Development and Regulation) Act, 1951 (65 of 1951) but defined in the Companies Act, 1956 (1 of 1956) shall have the meanings respectively assigned to them in the Companies Act, 1956.

CHAPTER II

TAKING OVER OF MANAGEMENT

3. *Vesting of management of a sugar undertaking in Central Government.*—(1) Where the Central Government is satisfied—

- (a) that any sugar undertaking has in any sugar year failed to commence the manufacture of sugar on or before the appointed day in respect of that year, or having started the manufacture of sugar on or before that day ceased to manufacture sugar before the expiry of the average period of manufacture of sugar in relation to that undertaking; or
- (b) that on any date in any sugar year any sugar undertaking has, in relation to the cane purchased before that date for the purposes of the undertaking, arrears of cane dues to the extent of more than ten per cent of the total price of the cane purchased for the purposes of the undertaking during the immediately preceding sugar year; and
- (c) that in either case the effective functioning of the undertaking is necessary for the purposes of this Act,

the Central Government may issue a notice in such form and in such manner as may be prescribed to the owner or the manager of such sugar undertaking calling upon such owner or manager to report in writing within such time, not being less than five days, as may be specified in the notice, the circumstances under which such undertaking has so failed to commence or ceased to manufacture sugar or, as the case may be, clear the said arrears of cane dues and to show cause as to why the management of such undertaking should not be taken over by the Central Government under this Act.

(2) As soon as may be, after the receipt of the report under sub-section (1) from the sugar undertaking, or where the sugar undertaking has failed to make such report within the time specified in the notice to that undertaking under sub-section (1), after the expiry of such time, the Central Government may make such further inquiry (if any) as it may deem fit, and—

(a) if the Central Government is satisfied that having regard to all the circumstances of the case and the purpose of this Act that it would be expedient to give further time to the undertaking to enable it to commence or resume production of sugar or, as the case may be, clear the arrears of cane dues, it may, by order in writing specify the date on or before which and the manner in which such undertaking shall commence or resume production of sugar or, as the case may be, clear the said arrears of cane dues; or

(b) if the Central Government is not satisfied as provided in clause (a), declare by notification that the management of such undertaking shall vest in the Central Government on and from such date as may be specified in such notification.

(3) If a sugar undertaking has failed to comply with an order made under clause (a) of sub-section (2), or having commenced or resumed the production of sugar on or before the date specified in such order, ceased to manufacture sugar before the expiry of the average period of manufacture of sugar in relation to that undertaking, and the Central Government is satisfied that it is necessary so to do for the purposes of this Act, it may, by notification, declare that the management of such sugar undertaking shall vest in the Central Government on and from such date as may be specified in such notification.

(4) Any failure on the part of the owner or manager of the sugar undertaking to utilise the undertaking for the manufacture of sugar during any period shall not be taken into account for the purpose of issuing a notification in respect of that undertaking under clause (b) of sub-section (2) or sub-section (3) where such failure is attributable to any circumstances (other than financial difficulties) beyond his control.

(5) Every notification issued under sub-section (2) or sub-section (3) for vesting the management of a sugar undertaking in the Central Government shall be in force for such period not exceeding three years from the date of vesting as may be specified in the notification but if the period so specified is less than three years from the date of vesting and the Central Government is of opinion that it is expedient in the public interest that the management of the sugar undertaking should continue to vest in the Central Government after the expiry of the period so specified, it may, from time to time, issue, by notification,

directions for such continuance for such further period as may be specified in the directions:

Provided that the total period for which the management of the undertaking may remain vested in the Central Government shall in no case exceed three years from the date of vesting.

(6) For the purposes of this section—

- (a) "cane dues", in relation to any cane purchased by a sugar undertaking, means the price payable in accordance with the agreement (whether express or implied) or arrangement relating to such purchase and where there is no such agreement or arrangement, the price as determined in accordance with the law applicable to such purchase;
- (b) any cane dues being the price payable for any cane acquired for the purposes of a sugar undertaking shall not be deemed to be in arrears at any time before the expiry of fourteen days from the date of delivery of such cane to the undertaking;
- (c) the average period of manufacture of sugar in relation to any sugar undertaking with respect to any sugar year (hereafter in this clause referred to as the current sugar year) shall be calculated by dividing the total number of calendar days during which the undertaking manufactured sugar during the period of three sugar years immediately preceding the current sugar year by the number of sugar years in which the undertaking manufactured sugar during the said period of three years.

4. *Assets, etc., of notified sugar undertaking.*—(1) The notified sugar undertaking shall be deemed to include all assets, rights, powers, authorities and privileges, in relation to the said undertaking and all property, movable and immovable, including lands, buildings, workshops, stores, instruments, machinery, automobiles and other vehicles and goods under production or in transit, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were, immediately before the date of vesting, in the ownership, possession, power or control of that undertaking, whether within or outside India, and all books of account registers and all other documents of whatever nature relating thereto.

(2) Any contract, whether express or implied, or other arrangement (whether under any statute or otherwise) in so far as it relates to the management of the business and affairs of the notified sugar undertaking, and in force immediately before the date of vesting, or any order made by any Court in so far as it relates to the management of the business and affairs of that undertaking and in force immediately before the said date, shall be deemed to have terminated on that date.

(3) All persons in whom the management of the business and affairs of the notified sugar undertaking vests immediately before the date of vesting shall, as from that date, cease to be so vested.

(4) Notwithstanding any judgment, decree or order of any Court, tribunal or other authority or anything contained in any law (other than this Act) for the time being in force, every Receiver, Official Liquidator or other person in whose possession or custody or under whose control the notified sugar undertaking or any part thereof may be immediately before the date of vesting, shall, on that date, deliver the possession of the said undertaking or such part thereof, as the case may be, to the Custodian, appointed under section 5, or, where no Custodian has been appointed, to such other person as the Central Government may direct.

(5) The Central Government may take, or cause to be taken, all necessary steps for securing the possession of the notified sugar undertaking.

5. *Appointment of Custodian.*—(1) The Central Government may, as soon as it is convenient administratively so to do, appoint an individual or body of individuals or a Government company as the Custodian of notified sugar undertaking or a group of notified sugar undertakings for the purpose of taking over the management of such undertaking or undertakings and the Custodian so appointed shall carry on the management of such

under taking or undertakings for and on behalf of the Central Government.

(2) The Central Government may also appoint an individual or a Government company as the Custodian-General for exercising supervision and control over all the, notified sugar undertakings, and on such appointment, every Custodian appointed under sub-section (1) shall act under the guidance, control and supervision of the Custodian-General.

(3) On the appointment of a Custodian under sub-section (1), the charge of management of the notified sugar undertaking or group of notified sugar undertakings, as the case may be, shall vest in such Custodian and all persons in charge of the management of such undertaking or undertakings immediately before such appointment shall cease to be in charge of such management and shall be bound to deliver to the Custodian all assets, books of account, registers or other documents in their custody relating to such undertaking or group of undertakings.

(4) The Central Government may issue such directions (including directions as to initiating, defending or continuing any legal proceedings before any Court, tribunal or other authority) to the Custodian or Custodian-General as to his or its powers and duties as the Central Government deems desirable and the Custodian-General or, if there is no Custodian-General, the Custodian may apply to the Central Government at any time for instructions as to the manner in which the Custodian or the Custodian-General shall conduct the management of the notified sugar undertaking or in relation to any matter arising in the course of such management.

(5) Any person, who, on the appointed day, has in his possession or under his control any books, papers or other documents relating to the notified sugar undertaking, shall, notwithstanding anything contained in any other law for the time being in force, be liable, to account for the books, papers and other documents, to the Custodian and shall deliver them up to the Custodian or to such other person as may be authorised by the Central Government or the Custodian in this behalf.

(6) Every person in charge of the management of the notified sugar undertaking, immediately before the date of vesting, shall, within ten days from that date or within such further period as the Central Government may allow in this behalf, furnish to the Custodian a complete inventory of all the properties and assets (including particulars of book debts, investments and belongings) forming part of the undertaking immediately before the date of vesting and of all liabilities and obligations of the undertaking subsisting immediately before that date and also of all agreements entered into by the owner or manager of the undertaking, in relation to the said undertaking, and in force immediately before that date.

(7) The Custodian-General shall hold office during the pleasure of the Central Government and shall receive such remuneration as may be fixed by the Central Government.

(8) Every Custodian or where a body of individuals has been appointed as the Custodian, each such individual shall hold office during the pleasure of the Central Government and shall receive from the funds of the sugar undertaking or group of sugar undertakings concerned, such remuneration as may be fixed by the Central Government.

Explanation.—The remuneration payable to the Custodian of two or more notified undertakings shall be allocated among the funds of the undertakings in such proportion as the Central Government may, having regard to the quantum of work in respect of such undertakings and other relevant circumstances, by order determine.

6. *Payment of amount.*—(1) The owner of every notified sugar undertaking shall be given by the Central Government an amount in cash for vesting in it under section 3 the management of such undertaking.

(2) For every month during which the management of the notified sugar undertaking remains vested in the Central Government under this Act, the amount, referred to in sub-section (1), shall be,—

- (a) where the daily cane crushing capacity of the undertaking is five hundred tonnes or less, an amount of five hundred rupees; and
- (b) where the daily cane crushing capacity of the undertaking is more than five hundred tonnes, an amount computed at the rate of one rupee for each tonne of such capacity or an amount of one thousand two hundred and fifty rupees, whichever is less.

CHAPTER III

RELIEF TO SUGAR UNDERTAKINGS AND CANE PRODUCING FARMERS

7. Power of Central Government to make certain declarations.—(1) The Central Government may, if it is satisfied, in relation to a notified sugar undertaking that it is necessary so to do in the interests of the general public with a view to preventing the fall in the volume of production of the sugar industry, it may, by notification, declare that—

- (a) all or any of the enactments specified in the Schedule shall not apply or shall apply with such adaptations, whether by way of modification, addition or omission (which does not, however, affect the policy of the said enactments) to such sugar undertaking, as may be specified in such notification, or
- (b) the operation of all or any of the contracts, assurances of property, agreements, settlements, awards, standing orders or other instruments in force (to which such sugar undertaking or the person owning such undertaking is a party or which may be applicable to such sugar undertaking or person) immediately before the date of issue of the notification shall remain suspended or that all or any of the rights, privileges, obligations and liabilities accruing or arising thereunder before the said date, shall remain suspended or shall be enforceable with such adaptations and in such manner as may be specified in the notification.

(2) The notification made under sub-section (1) in relation to a notified sugar undertaking shall remain in force, in the first instance, for such period not exceeding one year as may be specified in the notification but the duration of such notification may be extended from time to time by a further notification, by a period not exceeding one year at a time.

(3) Any notification made under sub-section (1) shall have effect notwithstanding anything to the contrary contained in any other law, agreement, or instrument or any decree or order of a Court, tribunal, officer or other authority or of any submission, settlement or standing order.

(4) Any remedy for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1) and suspended or modified by a notification made under that sub-section shall, in accordance with the terms of the notification, remain suspended or modified and all proceedings relating thereto pending before any Court, tribunal, officer or other authority shall accordingly remain stayed or be continued subject to such adaptations, so, however, that on the notification ceasing to have effect—

(a) any right, privilege, obligation or liability so remaining suspended or modified shall become revived and enforceable as if the notification had never been made;

(b) any proceeding so remaining stayed shall be proceeded with subject to the provisions of any law which may then be in force, from the stage which had been reached when the proceedings became stayed.

(5) In computing the period of limitation for the enforcement of any right, privilege, obligation or liability referred to in clause (b) of sub-section (1), the period during which it or the remedy for the enforcement thereof remained suspended shall be excluded.

8. Assistance to notified sugar undertakings to clear arrears of cane dues.—(1) The Central Government may issue such directions as it deems fit to the Custodian-General and the Custodian to facilitate the speedy

clearance of arrears of cane dues so as to avoid undue hardship to cane producing farmers.

(2) Without prejudice to the provisions of sub-section (1), the Central Government may render such assistance in such manner as it may deem fit to any notified sugar undertaking to enable the undertaking to clear the whole or any part of its arrears of cane dues so as to avoid undue hardship to cane producing farmers.

Explanation.—For the purposes of this section, the expression "arrears of cane dues" shall be construed in accordance with the provisions of clauses (a) and (b) of sub-section (6) of section 3.

CHAPTER IV

MISCELLANEOUS

9. Notified sugar undertaking, if a company, not to be wound up.—(1) No proceeding for the winding up of a notified sugar undertaking, being a company, shall be in any Court or be continued whether by or under the supervision of any Court or voluntarily, except with the consent of the Central Government.

(2) In computing the period of limitation prescribed by any law for the time being in force for any application which may be made in the course of winding up of any such notified sugar undertaking in respect of any matter arising out of any transaction in relation to such undertaking, the time during which the making of such application was barred by this Act shall be excluded.

10. Contracts, etc., in bad faith may be cancelled or varied.—(1) If the Central Government is satisfied, after such inquiry as it may think fit, that any contract or agreement entered into by the owner or manager of a notified sugar undertaking, in relation to the said undertaking, at any time within twelve months immediately preceding the date of vesting, has been entered into in bad faith or is detrimental to the interests of the undertaking, it may make an order cancelling or varying (either unconditionally or subject to such conditions as it may think fit to impose) the contract or agreement and thereafter the contract or agreement shall have effect accordingly.

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Any person aggrieved by an order made under sub-section (1) may make an application to the principal Court of civil jurisdiction within the local limits of whose jurisdiction the registered office of the sugar undertaking is situated for the variation or reversal of such order and, thereupon such Court may confirm, vary or reverse such order.

11. Power to terminate the contract of employment.—If the Custodian or Custodian-General is of opinion that any contract of employment entered into by any owner or member of a notified sugar undertaking or its agent in relation to the said undertaking, at any time before the date of vesting, is unduly onerous, he may, by giving to the employee one month's notice in writing or the salary or wages for one month in lieu thereof, terminate such contract of employment.

12. Management of notified sugar undertakings pending taking over physical possession by the Custodian.—

(1) Pending the taking over by a Custodian, appointed under section 5, of the physical possession of any notified sugar undertaking, the person in charge of the management of such undertaking immediately before the date of vesting shall, on and from that date, be in charge of the management of such undertaking for and on behalf of the Central Government; and the management of such undertaking shall be carried on by such person subject to the provisions contained in sub-section (2) and such directions, if any, as the Central Government may give to him and no other person, including the said undertaking shall, so long as such management continues, exercise any powers of management in relation to the said undertaking.

(2) No person in charge, under sub-section (1), of a notified sugar undertaking shall, without the previous approval of the Custodian-General appointed under section 5, -

- (i) incur any expenditure from the assets appertaining to the undertaking otherwise than for the purpose of making routine payments of salaries or commissions to employees, agents or for the purpose of meeting the routine day to day expenditure;
- (ii) transfer or otherwise dispose of any such assets or create any charge, hypothecation, lien or other incumbrance thereon;
- (iii) invest in any manner any moneys forming part of such assets;
- (iv) acquire any immovable property out of the moneys forming part of such assets;
- (v) enter into any contract of service or agency, whether expressly or by implication, for purposes connected wholly or partly with the undertaking or vary the terms and conditions of any contract relating to any such transaction subsisting on the date of vesting.

(3) The approval of the Custodian-General may be given either generally in relation to certain classes of transactions relating to the notified sugar undertaking or specially in relation to any of its transactions.

13. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Government, the Custodian-General or any other officer of Government or any Custodian in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Government, the Custodian-General or any other officer of Government or any Custodian for any damage caused, or likely to be caused, by anything which is in good faith done or intended to be done under this Act.

14. Delegation of powers.—(1) The Central Government may, by notification, direct that all or any of the powers exercisable by it under this Act, other than those under this section or section 8 or section 20 may also be exercised by any person or persons as may be specified in the notification.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the Central Government.

15. Debts incurred for the purposes of notified sugar undertakings to have priority.—Every debt arising out of any loan advanced to a notified sugar undertaking by the Central Government or a State Government for carrying on the management of such undertaking—

(a) shall have priority over all other debts, whether secured or unsecured, incurred before the management of such undertaking was taken over under this Act;

(b) shall be a preferential debt within the meaning of section 530 of the Companies Act, 1956 (1 of 1956), and such debts shall rank equally among themselves and be paid in full out of the assets of the undertaking unless such assets are insufficient to meet them, in which case they shall abate in equal proportions.

16. Penalties.—If any person—

- (a) fails to deliver to the Custodian any assets, books of account, registers or any other documents in his custody relating to any notified sugar undertaking, or
- (b) retains any property of such undertaking or removes or destroys it, or
- (c) fails to comply with the provisions of section 5, or
- (d) fails to comply with any direction made under this Act,

he shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

17. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the

company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

18. Act not to apply to certain sugar undertakings.—

(1) The provisions of this Act shall not apply to any sugar undertaking which is owned by or is under the management of the Central Government or a State Government or a corporation established by or under an enactment (including an Ordinance) or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).

(2) For the purposes of sub-section (1), the management of a sugar undertaking by a receiver or an authorised controller appointed by the Central Government or a State Government under any law for the time being in force shall also be deemed to be management of the undertaking by the Central Government or a State Government, as the case may be.

19. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act) or any judgment, decree or order of any Court, tribunal or other authority or any instrument having effect by virtue of any law other than this Act.

20. Power to make rules.—The Central Government may, by notification, make rules to carry out the provisions of this Act.

21. Laying of rules and certain notifications.—Every rule made by the Central Government under this Act and every notification made under section 7 shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall there after have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

22. Repeal and saving.—(1) The Sugar Undertakings (Taking Over of Management) Ordinance, 1978 (5 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(See section 7)

1. The Industrial Employment (Standing Orders) Act, 1946. (20 of 1946).
2. The Industrial Disputes Act, 1947 (14 of 1947).
3. The Minimum Wages Act, 1948 (11 of 1948)

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिकृतताएं तथा अन्य निर्वाचन सम्बन्धी अधिकृतताएं

कृप

अनुपूरक
(दिलिये पृष्ठ 952 से 959)

PART V

श्री न. राजपत्र श्री डॉ० एस० कुटनैहड़िया, सहायक सचिव, प्रथम श्रेणी, बुधवार, बुधवार, जिला बिलासपुर
मि० नं० 7/9

मु० मुरली पत्नी नादी उर्फ उमरदीन पुत्र लाला जान मुसलमान
नामिन मरहाणा परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर

बनाम

नविया मरहाणा पिमराण बुटा पुत्र कल्लू, भगकू पुत्र रंगिया जान मुसलमान नामिन मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर दि० प्र० 1

प्राथमिक वाक्य नवताम अजमेर नादादी 5 बोधः 19 दिवस ताता नं० 393 खतीना नं० 463 खतना नम्बरान 1778, 1779, 1783, 1785, 1789 किता 5 नाकवा मौर परगना, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर

हरमाह उपरोक्त मुकदमा में फरीक दायम नविया मरहाणा पिमराण बुटा पुत्र कल्लू जान मुसलमान नामिन मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर दि० प्र० को इस अदालत से कई बार नोटिस जारी किए गये मगर उनपर नामीन नहीं हो रही है। अदालत को यकीन हो चुका है कि उपरोक्त फरीक दायम पर नामीन अनामत न होगी अतः हृदय दारुणात्मक मायमान फरीक दायम नविया मरहाणा पिमराण बुटा पुत्र कल्लू जान मुसलमान नामिन मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर दि० प्र० को बजरिया इस्तहार अजमेरारी जेर आर्डर 5 रूप 20 जाना दिवानी मुक्ति किया जाता है कि अगर उनको दरुणात्मक नकसीम में कोई उजर व एतराज हो तो दिनांक 5-9-79 को बकवत 10 वजे सुबह अमानत व बकालत हाजिर आवें व वरुद वीर हाजरी हृदय जाना कार्रवाई अमल में लाई जायेगी।

आज दिनांक 31-3-79 हस्ताक्षर हमारे व मोहर अदालत में जारी किए गये।

डॉ० एस० कुटनैहड़िया, सहायक सचिव, प्रथम श्रेणी, बुधवार, बुधवार, जिला बिलासपुर

ब्रजराज श्री डॉ० एस० कुटनैहड़िया नवताम सचिव, प्रथम श्रेणी, बुधवार, बुधवार, जिला बिलासपुर दि० प्र०

मि० नं० 6/9

1 मु० मुरली पत्नी नादी उर्फ उमरदीन पुत्र लाला 2. नादी उर्फ उमरदीन पुत्र लाला, जान मुसलमान, निवासी मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर फरीक अदालत

बनाम

1. नविया 2. सह्या पिमराण बुटा पुत्र कल्लू, 3. जानमुहम्मद 4. फतेदीन, 5. लरफू, 6. बरक पिमराण रंगिया पुत्र लाला, 7. नर-मुहम्मद पुत्र लाला काम मुसलमान नामिन मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर दि० प्र० फरीक दायम।

प्राथमिक वाक्य नवताम अजमेर नादादी 27 बीदा 3 दिवस ताता खतीना नम्बर 394/463 खतना नम्बरान 1967/1968, 1805, 1803, 1786-1789-1790-1791 किता 7 बकवा मौजा मरहाणा परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर, हिमाचल प्रदेश।

हरमाह उपरोक्त मुकदमा में फरीक दायम नविया मरहाणा पिमराण बुटा पुत्र कल्लू जान मुसलमान नामिन मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर को इस अदालत में कई बार नोटिस जारी किए गये मगर उनपर नामीन नहीं हो रही है। अदालत को यकीन हो चुका है कि उपरोक्त फरीक दायम पर नामीन अनामत न होगी। अतः हृदय दारुणात्मक मायमान फरीक दायम नविया मरहाणा पिमराण बुटा पुत्र कल्लू जान मुसलमान नामिन मरहाणा, परगना अजमेरपुर, तहसील बुधवार, जिला बिलासपुर को बजरिया इस्तहार अजमेरारी जेर आर्डर 5 रूप 20 जाना दिवानी मुक्ति किया जाता है कि अगर उनको दरुणात्मक नकसीम में कोई उजर व एतराज हो तो दिनांक 5-9-79 को बकवत 10 वजे सुबह अमानत व बकालत हाजिर आवें व वरुद वीर हाजरी हृदय जाना कार्रवाई अमल में लाई जायेगी।

आज दिनांक 31-3-79 को हस्ताक्षर हमारे व मोहर अदालत में जारी किए गये।

डॉ० एस० कुटनैहड़िया, सहायक सचिव, प्रथम श्रेणी, बुधवार, बुधवार, जिला बिलासपुर

मोहर।

ब्रजराज श्री चेत राम कोतवाल, तहसीलदार व प्रवक्ता नवताम सहायक कुनैक्टर प्रथम श्रेणी देहरा, जिला कांगड़ा, हिमाचल प्रदेश

विमल नकसीम नं० 17-7 मान 1979

श्री साहयु आदि बनाम पोहलो आदि दावा नकसीम अराजी खता नं० 50 खतीना नं० 109 ता 117 खसरा किता 31 रकबा 4-58-95 हैक्टर बाक्या टोका कुमकर, मौजा फरीर, तहसील देहरा।

उपरोक्त मुकदमा में सर्व श्री पोहलो उर्फ मोती राम पुत्र केतो, जगन नाथ पुत्र शोहरी, कान्हा देवी पुत्री लुगो लाल, मन्ताज देवी पुत्री लुगो लाल, पवना देवी पुत्री लुगो लाल, मदन लाल, कुमदीन बरक पिमराण लुगी लाल, राणू पुत्र मोहन, आता राम पुत्र बिरजा विधि बन्द, पीन्कू, मोहन पिमराण लाल, नाथी देवी पुत्री बिरजा सकना कुमकर मौजा फरीर उपरला, तहसील देहरा, जिला कांगड़ा आदि वादिगण हैं जिन की तामिल साधारण रूप से न ह. रही है क्योंकि यह मुकदमा जगह बिता पता रहते हैं अतः उपरोक्त प्रतिवादिगण को बजरिया इस्तहार राजपत्र हिमाचल प्रदेश सूचित किया जाता है कि वे दिनांक 4-9-79 को सुबह 10 वजे अमानत या बकालत हाजिर अदालत होकर परीची मुकदमा करें अन्यथा इन के खिलाफ कार्रवाई यकनफी अमल में लाई जायेगी और बाद में कोई उजर कावने समायत न होगा। आज दिनांक 16-8-79 को हमारे हस्ताक्षर व मोहर अदालत में जारी हुआ।

मोहर।

हस्ताक्षरित, सहायक कुनैक्टर, प्रथम श्रेणी, देहरा।

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Bilaspur:																			
Sadar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ghumarwa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Raghonathpura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bilaspur Obs.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chamba:																			
Chamba	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ludra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhatra	—	—	67.5	—	10.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhandal	5.0	29.0	32.0	50.0	10.0	—	—	—	27.5	—	—	—	15.0	—	—	—	—	—	—
Chowari	—	—	47.0	4.0	—	—	—	—	—	—	—	—	20.0	—	—	—	—	—	—
Bathri	—	16.5	60.2	—	—	—	—	4.0	22.0	—	11.0	—	20.20	—	—	—	—	—	—
Kalaton	7.2	—	9.2	—	3.0	—	—	—	12.0	—	—	—	20.4	—	—	—	—	—	—
Bharmour	—	—	15.0	60.0	—	10.0	—	—	27.4	2.0	—	—	—	—	—	—	—	—	—
Tissa	—	2.0	2.0	3.1	4.0	5.1	3.1	—	5.0	30.0	—	15.0	—	7.0	8.0	7.0	3.0	—	—
Bhanota	—	—	9.0	75.0	—	—	—	—	—	—	2.0	2.1	—	3.0	2.1	7.0	2.0	—	1.0
Kilar	—	8.0	11.0	30.0	—	—	—	—	—	—	21.0	—	1.0	15.0	—	—	16.0	1.0	—
													8.0	10.0	—	—	—	—	—
Hamirpur:																			
Hamirpur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kangra:																			
Palampur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dohra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kangra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Narpur	—	—	—	—	—	—	—	—	—	—	—	—	3.2	—	—	—	—	—	—
Dharanussa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kulu:																			
Kulu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Banjar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kinnaur:																			
Nichear	6.8	—	—	—	—	2.1	—	—	—	—	—	4.6	—	—	—	—	—	—	20.4
Kilba	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Sangli	—	—	—	—	—	1.2	—	—	—	—	—	—	—	—	—	—	—	—	—
Kalpa	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Purbani	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Lahaul and Spiti:																			
Keylong	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kaza	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Simla:																			
Rampur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	2.5	—
Rohru	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jubbal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chopal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Theog	—	—	—	—	—	—	—	—	—	—	—	—	0.2	—	—	—	—	—	—
Kumarsain	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Junga	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kasunppl	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Suni	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kotkhai	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bashia	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Khadrata	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Siltroo	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Parala	—	—	—	—	—	—	—	—	—	2.5	—	—	—	—	—	—	—	—	—
Kotgarh	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Phancha	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Maahobra	—	—	—	—	—	—	—	—	—	—	—	19.1	—	—	—	—	—	—	—

PRADESH FOR THE MONTH OF MAY, 1978

[illegible]

DAILY RAINFALL RECORDED IN HIMACHAL

[illegible]

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal No. of rainy days	Total rainfall for the month	Normal rainfall for the month	Heaviest rainfall during the month	Total rainfall from 1-5-78 to 31-5-78	Normal rainfall from 1-5-78 to 31-5-78
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
—	—	—	—	—	13.0	—	26.0	—	—	—	—	3	3.1	58.0	37.9	26.0	58.0	—
—	—	—	—	—	10.0	—	—	—	—	—	—	1	2.4	10.0	49.0	10.0	10.0	—
—	—	4.0	—	—	—	—	—	—	—	—	—	1	3.4	4.0	42.5	4.0	4.0	—
—	—	—	—	—	—	—	3.0	—	—	—	—	1	3.2	3.0	43.6	3.0	3.0	—
—	—	—	—	—	—	5.2	—	—	—	—	—	2	3.8	18.7	51.2	14.4	18.7	—
—	—	—	—	—	12.0	15.0	9.0	—	—	—	—	3	6.8	36.0	65.2	15.0	36.0	—
—	—	—	—	—	13.0	5.0	—	—	—	—	—	3	7.2	21.0	95.7	13.0	21.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	14	—	150.7	—	—	150.7	—
—	—	—	—	—	—	—	—	—	—	—	—	2	3.9	21.5	50.4	—	21.5	—
—	—	—	—	—	—	—	14.2	—	—	—	—	2	N.A.	7.0	N.A.	5.8	7.0	—
—	—	—	—	—	—	—	—	—	—	—	—	1	N.A.	14.2	N.A.	14.2	14.2	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	0.2	N.A.	0.2	0.2	—
—	—	—	—	—	—	—	—	—	—	—	—	3	—	21.4	—	—	21.4	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	7.1	N.A.	—	7.1	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	—	14.0	—	14.0	14.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	2.0	—	—	—	—	—	—	—	2.0	—	2.0	2.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	1	—	16.0	—	16.0	16.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	8.0	—	—	8.0	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	N.A.	—	N.A.	—	—	—

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1	2d	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Bilaspur:																			
Sadar	—	—	—	—	—	—	—	—	—	5.8	—	—	—	12.5	—	—	—	—	—
Ghumarwin	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Raghunathpura	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bilaspur Obs.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chamba:																			
Chamba	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ludra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chhatrari	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhandal	—	4.0	—	2.0	—	—	—	10.0	3.0	10.0	—	—	—	—	—	—	—	—	—
Corwari	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bathri	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kalaotop	—	—	—	—	8.4	—	4.2	—	—	—	—	—	—	—	—	—	6.8	—	—
Bharmour	—	—	—	—	1.0	—	2.0	—	—	—	—	—	—	—	—	—	—	—	—
Tissa	—	6.0	—	—	2.0	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bhanota	—	—	—	—	—	5.1	—	—	—	—	—	—	—	—	—	—	—	—	—
Kilar	—	—	—	—	—	—	—	2.0	—	—	—	—	—	—	—	—	—	—	—
Hamirpur:																			
Hamirpur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kangra:																			
Palampur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dehra	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kangra	—	—	—	—	—	—	—	—	—	—	9.2	—	—	—	—	—	—	—	—
Nurpur	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dharamsala	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kulu:																			
Kulu	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Banjar	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kullu:																			
Nichar	—	1.3	—	—	—	—	—	—	—	13.4	—	—	2.1	—	—	—	12.1	—	2.3
Kilba	—	—	—	—	—	—	—	—	—	4.0	—	—	—	—	—	—	—	—	—
Sangla	—	5.1	—	—	—	—	—	—	—	4.2	—	—	—	—	—	—	—	—	—
Kalpa	—	3.0	—	—	—	—	—	—	—	9.4	—	—	—	—	—	—	—	—	—
Purbani	—	—	—	—	—	—	—	—	—	23.3	—	—	—	—	—	—	—	—	—
Lahaul and Spiti:																			
Keylong	—	—	—	—	—	—	—	—	—	28.0	—	8.0	—	—	—	—	—	—	—
Kaza	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Simla:																			
Rampur	—	—	—	—	—	—	—	—	—	7.5	—	—	—	—	—	—	6.4	—	—
Rohru	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Jubbal	—	—	—	—	—	—	—	—	—	20.1	20.4	—	—	—	—	—	7.8	—	—
Chopal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16.0	—	—
Theog	—	—	—	—	—	—	—	—	—	4.0	2.6	—	—	—	—	—	2.8	—	—
Kumarsain	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Junga	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kasumpti	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Suni	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kotkhai	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Bashla	—	—	—	—	—	—	—	—	—	3.6	18.0	—	—	—	—	—	—	—	—
Khadra	—	—	—	—	—	—	—	—	—	15.5	—	—	—	—	—	—	—	—	—
Shilaroo	—	—	—	—	—	—	—	—	—	22.0	24.0	—	—	—	—	—	—	—	—
Parala	—	—	—	—	—	—	—	—	—	10.0	—	—	—	—	—	—	—	—	—
Kotga	—	—	—	—	—	—	—	—	—	10.2	—	—	—	—	—	—	—	—	—
Pancha	—	—	—	—	—	—	—	—	—	12.0	20.0	—	—	—	—	—	—	—	—
Mashobra	—	—	—	—	—	—	—	—	—	31.0	18.0	—	—	—	—	—	—	—	—
	—	—	—	—	—	—	—	—	—	22.2	29.2	—	—	—	—	—	—	—	—

DAILY RAINFALL RECORDED IN HIMACHAL

District and Station	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Mandi:																			
Sadar								8.0	13.0				1.2			32.0		1.2	10.8
Jogindernagar										35.0			25.0			30.0		15.0	
Sarkaghat																			
Chachtot									1.0	30.0			1.1	9.3		6.4			8.0
Sundernagar									65.5	2.0						13.4			
Karnag																			
Bhangrotu																			
Thungi									11.2	65.3				14.2	23.4		63.3		
Kataula									8.8					30.8		12.0	5.6	25.0	
Poojain									9.0					30.0			32.0		
Janjehi									5.0	10.0				25.0			30.0		
Mandi Obs.																			
Solan:																			
Nalagarh																32.2			
Kasauli										27.2			29.0				20.0		14.06
Solan									11.4	2.8			36.2			3.6	0.5		
Kandaghat										6.6				2.2	1.0		7.2		
Arki									10.0	19.0				10.0		14.0			
Sirmur:																			
Nahan																			
Paonta Sahib																			
Renuka										16.2		13.6		12.2			15.0	25.0	
Pachhad																			
Bagthan																			
Dbaula Kuan										9.1	5.1			7.1			2.0	4.10	5.6
Dadupar																			
Una:																			
Una										1.0	8.0			9.0	3.0			12.0	

PRADESH FOR THE MONTH OF JUNE, 1978

20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	Number of rainy days	Normal number of rainy days	Total rainfall for the month	Normal rainfall for the month	Heaviest rainfall during the month	Total rainfall from 1-6-78 to 30-6-78	Normal rainfall from 1-6-78 to 30-6-78
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
9.0	2.7	2.5	4.4	2.6	5.3	2.6	4.0	8.0	2.5	21.0	—	15	6.7	130.8	126.3	32.0	130.8	—
20.0	35.0	25.0	—	50.0	15.0	92.0	20.0	25.0	—	—	—	12	7.0	387.0	179.5	92.0	387.0	—
29.0	26.0	2.0	70.0	3.0	12.0	137.0	4.0	—	—	—	—	11	8.4	340.1	148.3	—	—	—
0.4	2.2	9.0	—	—	21.2	3.0	6.0	8.0	46.2	—	—	9	4.6	181.2	61.6	137.0	340.1	—
1.7	5.4	—	25.2	51.8	—	24.8	88.6	13.6	18.5	118.4	—	14	8.3	534.2	102.9	—	—	—
11.0	21.2	—	95.8	25.0	41.0	11.0	36.0	17.0	70.0	38.0	—	15	20.0	448.2	607.3	118.4	534.2	—
—	12.0	—	13.0	—	60.0	5.0	3.0	15.0	—	18.0	—	9	15.7	165.0	371.5	95.8	448.2	—
—	—	—	17.0	27.0	16.0	15.0	—	28.0	10.0	5.0	—	11	20.2	165.0	465.3	60.0	165.0	—
—	—	—	—	—	—	—	—	—	—	—	—	96	—	2350.7	628.7	—	2350.7	—
—	—	—	—	—	—	—	—	—	—	—	—	12	—	293.8	78.5	—	293.8	—
—	13.0	50.2	38.0	67.0	31.0	175.6	3.0	15.2	45.0	44.8	—	11	N.A.	529.5	N.A.	175.6	529.5	—
3.0	59.8	46.2	7.1	75.8	64.2	7.6	45.0	70.4	65.3	4.8	—	12	N.A.	502.4	N.A.	75.8	502.4	—
—	17.0	2.0	—	35.0	43.3	1.5	49.6	136.8	3.8	—	—	14	N.A.	346.5	N.A.	136.8	346.5	—
—	1.2	31.0	21.0	—	40.0	45.3	0.3	48.2	89.0	10.1	—	14	N.A.	304.0	N.A.	89.0	304.0	—
2.0	16.0	—	16.0	50.0	78.0	4.0	100.0	142.0	7.0	—	—	12	N.A.	468.0	N.A.	142.0	468.0	—
—	—	—	—	—	—	—	—	—	—	—	—	63	—	2150.5	—	—	2150.5	—
—	—	—	—	—	—	—	—	—	—	—	—	12	N.A.	430.0	N.A.	619.2	430.0	—
—	—	—	—	—	—	—	75.0	36.0	77.0	7.0	—	4	4.8	195.8	94.8	77.8	195.8	—
—	—	—	—	—	—	—	—	—	—	—	—	—	5.6	—	107.9	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	7.1	—	132.3	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	6.5	—	103.4	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	5.8	—	—	67.0	359.0	—
10.7	5.6	79.3	—	—	—	8.1	40.0	27.0	20.1	12.70	—	13	—	234.8	102.0	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	79.3	234.8	—
—	—	—	—	—	—	—	—	—	—	—	—	29	—	789.6	108.1	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	9	6.0	263.2	108.1	—	—	—
—	8.0	—	2.0	22.0	24.0	36.0	3.0	2.0	3.0	42.0	—	11	N.A.	175.0	N.A.	42.0	42.0	—
—	—	—	—	—	—	—	—	—	—	—	—	11	—	175.0	N.A.	—	—	—
—	—	—	—	—	—	—	—	—	—	—	—	11	N.A.	175.0	N.A.	42.0	175.0	—

